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Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial and second periodic reports of States parties

Kuwait*

* The present document is being issued without formal editing.

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INTRODUCTION

Discrimination in any shape or form is an abhorrent human practice eschewed by modern-day societies, which are striving to eliminate it in order to achieve the principles of equality and justice among human beings, without distinction.

In Kuwait, as in other countries, this concept is a fundamental constituent of society and is embodied early on in the Kuwaiti Constitution, which provides that Kuwaiti society is based on justice, freedom and equality. Article 29 of the Constitution also provides that all persons are equal in regard to human dignity and equal before the law in regard to their public rights and obligations, without distinction on grounds of sex, origin, language or religion.

On that basis, Kuwait has endeavoured to ensure that the legislative acts which it promulgates are consistently in keeping with such notions and also affirm them. At the same time, it has sought to ensure that the measures which it adopts at the international level are compatible with those adopted at the national level to eliminate differences and discrimination among human beings. Such measures include its accession to the relevant international conventions.

In the context of Kuwait's efforts to eliminate all forms of discrimination against human beings in general and women in particular, its women have acquired a prominent position which is continuing to grow. They are the foundation of the family, which is the nucleus of society, and have proved their competence and worth throughout history. Given their positive role in building society, it is a position which they fully deserve. Indeed, the advancement of the status of Kuwaiti women was calculated to coincide with Kuwait's political, economic and social development on the basis of their position and their essential part in the overall development of society.

Kuwait's accession on 2 April 1994 to the Convention forming the subject of this discussion, which became a national law, is clear evidence of the importance which it attaches to women and an affirmation of women's standing in society.

In a review of the Government's efforts to strengthen the status of women and their participation in the development of their country, and in accordance with its obligations under article 18, paragraph 1, of the Convention, which provides that States Parties shall undertake to submit a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to its provisions and on the progress made in that respect, the competent authorities in Kuwait are pleased to submit to the Committee on the Elimination of Discrimination against Women (CEDAW) its initial report on the Convention. The report was prepared in accordance with the general guidelines for the contents of reports to be considered by the Committee, taking into account the general recommendations adopted by the latter.

The report consists of three parts:

Part One comprises a preface, divided into three sections:

I. Land and population;

II. General political structure;

III. Publication.

Part Two comprises general information on:

- The general legal, social, economic and political framework within which the Government is tackling the issue of the elimination of discrimination against women;
- Legal measures relating to implementation of the Convention;
- Means of redress available to women.

Part Three is devoted to setting forth the constitutional and legal provisions and administrative measures relating to the provisions of the Convention and to dealing with the subjects covered by the articles of the Convention.

Part One

Preface

I. Land and population

A. Location

Kuwait is located in the north-western corner of the Arabian Gulf between latitudes 28°30' and 30°06' and longitudes 46°30' and 48°30'. It is bordered by Iraq on the north-west, by the Kingdom of Saudi Arabic on the south and south-west and by the Arabian Gulf on the east. By virtue of its location, it forms a natural access to the north-east of the Arabian peninsula, as a result of which it has long been of commercial significance.

B. Area

The country has a total area of 17,818 square kilometres (approximately 7,000 square miles). Its northernmost and southernmost boundaries are separated by a distance of about 200 kilometres (124 miles) and its eastern and western boundaries along latitude 29° are separated by a distance of about 170 kilometres (106 miles). The length of its boundaries is about 685 kilometres (426 miles), including 195 kilometres (121 miles) of coastal boundaries on the Arabian Gulf to the east and 490 kilometres (304 miles) of land boundaries. The length of its joint boundaries with the Kingdom of Saudi Arabia in the south and west is about 250 kilometres (155 miles) and about 240 kilometres (149 miles) with the Republic of Iraq in the north and west.

C. Climate

In view of its geographical location in the desert region, Kuwait has a continental-type climate characterized by long, hot and dry summers and short, warm and sometimes rainy winters. Dusty winds blow during the summer months, when humidity is also high. Temperatures may occasionally reach 50 degrees Centigrade in the shade.

D. Population

Kuwait's most recent census was conducted in April 1995, when the number of population stood at 1,575,570 (653,616 Kuwaitis and 921,954 non-Kuwaitis). In

1998, the number of population had risen to 2,270,865 (786,010 Kuwaitis and 1,484,855 non-Kuwaitis) and in 2000, the overall number of population stood at 2,189,668. The following tables show the numbers of population by marital status, sex, nationality and vital statistics, estimated as follows:

Population in census years by nationality and sex

Census years	*Nationality*	*Male*	*Female*	*Total*
	Kuwaiti	85.856	82.937	**168.793**
1965	Non-Kuwaiti	200.456	98.090	**298.546**
	Kuwaiti	153.010	154.745	**307.755**
1975	Non-Kuwaiti	390.758	296.324	**687.082**
	Kuwaiti	238.181	232.292	**470.473**
1985	Non-Kuwaiti	727.116	499.712	**1.226.828**
	Kuwaiti	326.301	327.315	**653.616**
1995	Non-Kuwaiti	587.101	334.853	**921.954**

Estimated mid-year population by nationality and sex

	Kuwaiti		*Non-Kuwaiti*		*Total*		
Year	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Total*
1995	344.595	350.013	752.178	355.011	1.096.773	705.024	**1.801.797**
1996	357.023	363.628	785.660	388.051	1.142.683	751.679	**1.894.362**
1997	369.172	377.921	825.999	406.957	1.195.171	784.518	**1.979.689**
1998	382.383	394.000	844.391	406.329	1.226.774	800.329	**2.027.103**
1999	396.354	407.600	882.477	420.773	1.278.822	828.373	**2.107.195**
2000	410.850	420.831	922.107	435.880	1.332.957	856.711	**2.189.668**
2001	424.819	435.139	963.145	451.877	1.387.964	887.016	**2.274.980**

Vital statistics of the population by sex (1997-1998)

Year	*Nationality*	*Live births*	*Deaths*	*Natural increase*	*Infant deaths*
	Kuwaiti	26.203	2.279	23.924	328
	Non-Kuwaiti	16.614	1.738	14.876	209
1997	Total	42.817	4.017	38.800	537
	Kuwaiti	25.839	2.378	23.461	262
	Non-Kuwaiti	15.585	1.838	13.747	188
1998	Total	**41.424**	**4.216**	**37.208**	**450**

Number of population (15 years and over) by marital status, sex and nationality

Marital status		*1997*		*1998*		*1999*	
		Kuwaiti	*Non-Kuwaiti*	*Kuwaiti*	*Non-Kuwaiti*	*Kuwaiti*	*Non-Kuwaiti*
Single	Male	78.560	358.236	82.701	384.707	86.744	392.079
	Female	67.634	115.730	72.049	119.180	75.894	117.952
Married	Male	122.189	487.998	126.514	490.990	130.826	455.544
	Female	125.420	231.187	130.441	232.821	135.201	227.113
Divorced	Male	5.504	3.442	5.997	3.797	6.390	3.929
	Female	12.621	5.482	13.512	5.792	14.364	6.093
Widowed	Male	976	954	1.025	1.000	1.107	1.015
	Female	13.994	8.835	14.572	8.852	15.187	8.604
Not stated	Male	42	109	78	124	98	113
	Female	62	102	95	109	130	108

Live births and deaths by nationality and sex, 1996-1999

Year	*Live births*		*Deaths*	
	Male	*Female*	*Male*	*Female*
	Kuwaiti			
1996	13.593	12.855	1.239	867
1997	13.387	12.816	1.335	944
1998	13.249	12.590	1.420	958
	1999 (Preliminary data)			
January	1.159	1.072	117	87
February	1.018	986	96	64
March	1.099	1.010	108	82
	Non-Kuwaiti			
1996	9.263	8.909	1.150	556
1997	8.545	8.069	1.206	532
1998	7.800	7.785	1.247	591
	1999 (Preliminary data)			
January	664	660	100	36
February	603	616	81	66
March	607	599	98	47

Population, human resources and labour force by employment status, sex and nationality at 31 December 1998 and 1999

		1998		1999	
Employment status	*Sex*	*Kuwaiti*	*Non-Kuwaiti*	*Kuwaiti*	*Non-Kuwaiti*
Employed	Male	136.815	817.491	143.434	787.175
	Female	72.571	216.246	57.701	210.164
Unemployed	Male	1.708	5.562	1.707	6.035
	Female	465	1.135	545	1.374
Total labour force	Male	138.523	823.053	145.141	793.210
	Female	73.036	217.384	76.246	211.537
Outside the labour force	Male	70.489	52.108	70.935	50.656
	Female	157.633	149.370	164.530	148.333
Human resources	Male	216.295	880.618	225.165	852.680
	Female	230.669	366.754	240.776	359.870
Not included as human resources	Male	172.392	122.100	176.268	118.185
	Female	166.654	115.383	170.046	111.964

E. Social, economic and cultural indicators

The major economic aggregates of the national accounts for 1997-1999 are as follows:

Gross domestic product (GDP)

Initial GDP estimates at the prices current in 1999 amounted to 9,032.8 million Kuwaiti dinars (KD), compared with KD 7,718.1 million in 1998, thus registering a rise of 17 per cent in contrast to the estimates for 1998, which registered a fall of 15.2 per cent.

In 1999, the petroleum sector contributed KD 3,354.4 million to GDP, compared with KD 2,370.6 million in 1998, thus registering a rise of 41.5 per cent, which was due to the increase in prices on the global oil market. The non-petroleum sector, including products from crude oil refinement, brought in KD 6,031.8 million in 1999, compared with KD 5,645.7 million in 1998, thus registering a rise of 6.8 per cent. This was primarily due to the increase in added value generated in the petroleum products industry from KD 594.9 million in 1998 to KD 765.6 million in 1999, or, in other words, an increase of KD 170.7 million and an average rise of 28.7 per cent.

A study of GDP estimates for the remaining activities in the non-petroleum sector in 1999 clearly shows that most achieved only slight increases in comparison with 1998 estimates.

GDP per capita

In 1999, the average GDP per capita amounted to KD 3,972, compared with KD 3,448 in 1998, registering an increase of 15.2 per cent, whereas in 1997, it fell by 12.7 per cent to KD 4,230.

Gross national product (GNP) per capita

In 1999, the average GNP per capita rose to KD 4,666, compared with KD 4,247 in 1998, when it registered a fall of KD 868, compared with the average GNP per capita in 1997.

National income per capital

In 1999, the average national income per capita rose by 11.4 per cent to KD 4,110, compared with KD 3,690 in 1998. The rise in the average GNP per capita and national income per capita is attributable to the rise in GDP as a result of the increase in added value in the activities of the crude petroleum sector.

For further information on the particular demographic features of the population and recent data on the various aspects of economic and social life in Kuwait, the competent authorities have included the following annexes:

- The statistical yearbooks for the years 1998 and 1999;
- Brief statistical surveys for the years 1997, 1998, 1999 and 2000;
- Essential features of the population and labour force at 30 June 1999;
- Amended preliminary estimates for the years 1997 to 1999 (annex 1).

II. General political structure

This section gives an account of some aspects of the general political structure of the State, including, in particular, the form of the State, its system of government and its authorities.

With regard to the form of the State and its system of government, Kuwait is an independent and fully sovereign Arab State, the people of which form part of the Arab nation. The religion of the State is Islam and its official language is Arabic. It has a democratic system of government in which sovereignty resides with the people, who are the source of all authority. Sovereignty is exercised in the manner specified in the State's Constitution. Kuwaiti society is based on justice, freedom and equality and its citizens are bound together by the strongest ties of mutual help and understanding.

For a clearer understanding of Kuwait's democratic system of government, it should be noted that, as indicated in the Explanatory Note on the Constitution, the Constitution viewed this democratic system, which it adopted, as a compromise between the parliamentary and presidential systems but with a more pronounced tendency towards the former given the fact that the presidential system was intended for republics.

In keeping with the intrinsic principles of democracy, Kuwait's system of government has adopted the firmly established constitutional concept of the separation of powers, each being required to cooperate with the others but without being permitted to relinquish all or any part of its jurisdiction as defined in the Constitution.

The Kuwaiti Constitution, which consists of five chapters, devotes a separate chapter (chapter 4, consisting of five sections), to the question of powers. First of all, it indicates that legislative power is exercised by the Amir and the National

Assembly in accordance with the Constitution, executive power being exercised by the Amir, the Cabinet and the ministers in the manner specified in the Constitution, and judicial power being exercised by the courts, in the name of the Amir, within the limits laid down in the Constitution.

Section 2 of the said chapter indicates, inter alia, that the head of State exercises his jurisdictional authority through his ministers and is empowered to appoint and dismiss the Prime Minister. He is the commander-in-chief of the armed forces and is empowered to appoint and dismiss officers in the manner provided by law. He promulgates the regulations needed to enforce the law, as well as those needed to control and regulate public departments and agencies of the State. He also appoints civil servants, military personnel and diplomatic representatives accredited to foreign States.

In addition to the above, the provisions of the Constitution also refer to other powers of the Amir.

Legislative power is exercised by the Amir and the National Assembly, consisting of 50 members elected directly by universal suffrage and secret ballot for a four-term of office. This is the authority which is empowered to promulgate legislation under the terms of the Constitution, article 79 of which indicates that no legislative enactment may be promulgated unless it has been approved by the National Assembly and ratified by the Amir. The National Assembly, like the Amir, has the right to propose bills of law and exercises supervisory authority over the activities of the Government. It is also empowered to approve the international conventions to which the State of Kuwait accedes and which are regarded as being the most important treaties concluded by the State in accordance with article 70, paragraph 2, of the Constitution.

Section 3 of the said chapter sets forth the provisions concerning legislative power. Act No. 12 of 1963, promulgating the rules of procedure of the National Assembly, regulates that body's functions and activities.

The election of members of the National Assembly is regulated by the provisions of Act No. 35 of 1962 (annex 2).

In short, it can be said that the legislature has the widest legislative jurisdiction.

Executive power is exercised by the Amir and the Cabinet, which controls the agencies of the State, formulates and monitors the implementation of the general policy of the State and supervises the work of the government departments. Each minister is responsible for supervising the affairs of his ministry, implementing the general policy of the Government and formulating and monitoring the implementation of his ministry's policies.

Judicial power is exercised by the courts in the name of the Amir. The Constitution and the law guarantee the independence of the judiciary in accordance with the principle that the honour of the judiciary and the integrity and impartiality of judges form the basis of Government and constitute a guarantee of rights and freedoms.

In accordance with the Constitution, in his administration of justice the judge is not subject to any authority. The law guarantees the independence of the judiciary, as well as the safeguards and other provisions concerning judges. An

entire section, comprising 12 articles, of the Kuwaiti Constitution is devoted to judicial authority and contains numerous provisions which emphasize the principle of the independence of the judiciary.

The Organization of the Judiciary Act No. 23 of 1990 regulates the various levels of courts, defines the composition and powers of the Higher Council of the Judiciary, regulates judicial appointments and promotions and specifies the duties of judges and the composition and jurisdiction of the Department of Public Prosecutions.

In this connection, it should also be noted that Act No. 10 of 1996 made numerous amendments to the above-mentioned Act with a view to ensuring greater independence of the judiciary, as well as further safeguards and guarantees for judges, the aim being to enable the judiciary to maintain its standing and remain set on its mission (annex 3).

III. Publication

According to article 70 of the Kuwaiti Constitution, no treaty can enter into force and become binding before the completion of the constitutional procedures and subsequent publication in the Official Gazette. The said article specifically refers to treaties, which must be promulgated through a legislative enactment.

The purpose of publication, which constitutes the final legislative stage, is to make the enactment widely known so that it can be implemented by the executive authority. Legislation is published, in the Arabic language, in the Official Gazette within two weeks from the date of its promulgation and enters into force one month after the date of its publication. This period may be prolonged or shortened if special provision therefor is made in the enactment concerned.

Legislation enters into force on the expiration of the specified period of time after its publication in the Official Gazette and, consequently, becomes applicable to everyone, regardless of whether they are aware or unaware of its existence. All types of legislative enactments require publication, which is tantamount to an order to all official bodies and authorities to implement the provisions thereof within their respective fields of jurisdiction. It is noteworthy that the human rights instruments, including the Convention forming the subject of this discussion, to which Kuwait has acceded have been published in the Official Gazette in the Arabic language in order to make their provisions known to all.

Part Two

General information

This part of the report covers three main areas of focus:

I. General, legal, social, economic and political framework and the policy of the State towards the elimination of discrimination against women

A. Legal framework

Kuwait endeavours to guarantee the rights and fundamental freedoms of women and thus enable them to take their place in society. It would like to emphasize here that the Kuwaiti legislative enactments in force, in particular the Kuwaiti Constitution, can be said to form the political and legal basis for the protection of human rights as a whole in Kuwait. In fact, numerous legislative enactments have been promulgated, pursuant to the Constitution, to safeguard human rights in the political, social, civil, penal, economic, cultural and other relevant fields. The Constitution unequivocally provides for non-discrimination between women and men and seeks to ensure their enjoyment, on equal terms, of the rights guaranteed in its provisions.

The instrument promulgating the Kuwaiti Constitution reveals the high degree of concern which the Constitution shows for the question of human rights by clearly stating: "This Constitution has been promulgated in order to consummate the means of democratic government in the State of Kuwait with a view to ensuring a better future in which the country will enjoy greater prosperity and higher international standing and in which its citizens will benefit from more political freedom, equality and social justice; a future that will consolidate the traditions inherent in Arab society by enhancing the feeling of pride in the dignity of the individual, safeguarding the public interest and applying consultative government while maintaining the unity and stability of the country."

In this way, the Kuwaiti Constitution clearly expresses the importance of human rights, for which it shows appropriate concern by according them the highest status. In fact, most of the provisions contained in the various chapters of the Constitution embody the principles which the international community has approved and expressed in the international instruments that have been adopted in this regard, including the Convention against All Forms of Discrimination against Women.

Although the principle of the equal rights and obligations of citizens is enshrined in the provisions of the Constitution, it is noteworthy that the word "equality" is explicitly mentioned on two separate occasions: first, in article 7, pursuant to which justice and equality are deemed to be the pillars of Kuwaiti society; and secondly, in article 29, which provides for the principle of equality in further detail.

The women's rights laid down in the Convention are covered under the Kuwaiti Constitution, as follows:

- Chapter 2 covers all rights deemed under the Constitution to be fundamental constituents of Kuwaiti society, including justice, freedom, equality, maternal and child protection, youth welfare, education, public health, private ownership, public office, freedom of scientific research and the guarantee of assistance to citizens in the event of, sickness or incapacity to work.

- Chapter 3 comprises provisions relating to the right of nationality, equality before the law, personal liberty, the restriction on arrest except as prescribed by law, freedom of belief, freedom of opinion and scientific research, freedom of the press, inviolability of the home, freedom of communication by post, telegraph and telephone, the right to education, the right to work, the freedom to form associations and trade unions and the right of assembly.

- Chapter 4 consists of five sections which deal with the powers of the State, namely the legislative, executive and judicial powers. It also covers judicial and legal measures designed to safeguard citizens and the rights of individuals in general.

In this regard, it is worth pointing out that, owing to their inclusion in the Kuwaiti Constitution, human right principles have important distinguishing features, as exemplified in the following:

- They must not undermined by any review or amendment carried out other than in accordance with the requisite procedures for amendment of the Constitution, which are stipulated in articles 174 and 175;

- They enjoy judicial protection, the Constitution having provided firm guarantees to ensure that human rights are respected and effectively implemented, in addition to which it protects them against any violation by means of the Constitutional Court. Established pursuant to Law No. 24 of 1973, this Court is a judicial body which has the exclusive jurisdiction to interpret constitutional provisions and decide on the constitutionality of laws. Its rulings are binding on all State authorities.

In addition to the above, Kuwait has acceded to several international human rights conventions:

- The International Convention on the Elimination of All Forms of Racial Discrimination;

- The International Convention on the Suppression and Punishment of the Crime of Apartheid;

- The International Convention against Apartheid in Sports;

- The Convention against Discrimination in Education.

It has also acceded to various international human rights conventions which contain provisions prohibiting discrimination. These are as follows:

- The International Covenant on Civil and Political Rights;

- The International Covenant on Economic, Social and Cultural Rights;

- The Convention on the Rights of the Child.

In addition, it has acceded to 18 international conventions of the International Labour Organization, to which reference will be made in the context of this report.

B. General social and economic framework

Kuwait has devoted attention to both the social and economic aspects of women's lives. On the social front, this attention is clearly evidenced by the government and non-governmental agencies and departments established with a view to ensuring the welfare of the family in general and of women in particular, and encouraging Kuwaiti citizens, who are the focal point of social development, to become involved in development activities. Other aims of their establishment included support for Kuwaiti families in furthering the social development of their members and implementation of the State's general policy in the field of social

solidarity (reference to the mechanisms concerned will be made elsewhere in this report).

On the economic front, the State has played an effective role in protecting women against poverty, particularly since it is they who shoulder the major burden of caring for the family in the event of a husband's death, separation or incapacity. This it has done by enacting legislation which guarantees to women a decent living (reference to the laws concerned will be made elsewhere in the report).

This attention stems from Kuwait's belief that social development is a human process in which the human factor plays an instrumental role; after all, it is the human being who is the cornerstone of social development. As for the attention devoted to the family and to safeguarding against its break-up and building its capacities, the State established a total of 12 social development centres in a number of regions with the aim of furthering the employment of women and providing training for women capable of productive work, who are then promoted on the job market and at job fairs by the competent agencies, with the result that families reap the benefit.

Other examples of focal points through which the State endeavours to offer aid and assistance to women are the project known as "Fruits of My Labour" and government institutions such as Bayt al-Zakat (Zakat House), both of which will be mentioned elsewhere in this report.

It is worth noting that, in the Arab Human Development Report for 2002, prepared by the United Nations Development Fund (UNDP) and the Arab Fund for Economic and Social Development, Kuwait received the highest ranking on the human development index, a position which was not achieved out of nowhere. On the contrary, it resulted from the unstinting measures which the State is taking in this area.

II. Legal measures taken to give effect to the Convention

In its commitment to the fundamental principles relating to non-discrimination among the individuals of society in any matter, as articulated in its Constitution, Kuwait promptly acceded to various international human rights conventions, including the Convention forming the subject of this discussion. In accordance with the provision of article 70 of the Constitution, the Amir is entrusted with the responsibility of concluding treaties and transmitting them to the National Assembly, accompanied by an appropriate statement. A treaty has the force of law after it is signed, ratified and published in the Official Gazette in accordance with the prescribed procedures. Consequently, as a result of Kuwait's accession to the Convention forming the subject of this report and the publication thereof in the Official Gazette, it is now a national law which all authorities are bound to apply in accordance with article 70 of the Constitution. As a result, any person who is injured by the failure to apply its provisions may seek redress through the courts, in accordance with the procedures followed for that purpose, in order to obtain the rights prescribed under its terms.

A. Means of redress available to women

In accordance with the constitutional principles and the Kuwaiti legislative enactments, the State authorities are required to apply the principle of equality when

exercising the competencies vested in them and to avoid any discrimination in connection with the rights prescribed under article 26 of the Constitution. In the event that such principles are violated, women may seek means of redress from the various types of court, as follows:

1. Administrative courts

The administrative courts are a judicial authority with the jurisdiction to examine administrative disputes. Pursuant to Legislative Decree No. 20 of 1981, an administrative division was established in the district court and is competent to examine disputes arising in connection with the exercise of jurisdictions by the executive power and any administrative decisions and regulations issued by the latter in regard to individuals. Given that the administrative courts are required to comply with constitutional principles, including the principle of equality and non-discrimination, means of redress in such regard are available to women through those courts.

2. Civil, criminal and commercial courts

The civil, criminal and commercial courts are competent to decide cases of a civil, criminal and commercial nature. There are two levels of criminal courts responsible for trying persons accused of committing misdemeanours and felonies:

- Courts of first instance, namely the Misdemeanours Court and the Felonies Court;
- Courts of appeal, namely the Court of Appeal against Misdemeanours and the Higher Court of Appeal.

In any dispute brought before them, the courts therefore apply the constitutional principles and the relevant laws in effect, as well as Act No. 38 of 1980 promulgating the Code of Civil and Commercial Procedure and Act No. 17 of 1960 promulgating the Code of Criminal Procedure and Trial.

It is worth noting that the laws regulating the judiciary make no distinction between men and women in regard to exercise of the right of legal recourse and the guarantees prescribed in that connection.

Part Three

Constitutional, legislative and administrative provisions relating to the Articles of the Convention

Article 1

For the purpose of the Convention, this article defines the term "discrimination against women" and then goes on to state that the principle of equal rights should apply to all women, irrespective of their marital status.

Under the Kuwaiti Constitution, the principles of equality and non-discrimination are fundamental constituents of Kuwaiti society, as stipulated in article 7, prior to which the Preamble to the Constitution already designates equality as one of the cornerstones on which Kuwaiti society is based.

In addition, article 8 of the Constitution provides for the principle of equal opportunities for citizens as one of the pillars on which Kuwaiti society is built.

The principle of equality is also mentioned as a basic human rights principle in chapter 3 of the Constitution, which deals with public rights and obligations. More specifically, the general provision of article 29 clearly and explicitly refers to this principle by stipulating that people are equal in regard to human dignity and are also equal before the law in regard to their public rights and obligations, without distinction on grounds of sex, origin, language or religion.

It should be stated here that the Explanatory Note on the Constitution contains the following interpretation of this article: "This article embodies the principle of equality in regard to rights and obligations in general. It then makes specific reference to the most important applications of this principle by adding the words 'without distinction on grounds of sex, origin, language or religion'. It was deemed preferable not to include the words 'or colour or property', even though these words appear in the Universal Declaration of Human Rights, since there is not even the slightest suspicion of racial discrimination in the country, the text of this article being sufficient to dispel any such suspicion. Discrimination among persons on grounds of property is inherently alien to Kuwaiti society and, consequently, there is no need for a specific provision to prohibit it."

In that connection, it can be said that, in the case of some articles, Kuwait's constitutional legislature decided to bring the principle of equality to bear without specifically mentioning it, as in article 13, which provides that: "Education, being a fundamental requirement for social progress, shall be guaranteed and promoted by the State".

Another example is article 11, which provides that: "The State undertakes to aid citizens in the event of, sickness or incapacity to work through the provision of social security, social assistance and health-care services".

Article 41 further stipulates that: "Every Kuwaiti has the right to work and to choose the type of his work." Under other articles contained in chapters 2 and 3 of the Constitution, education, employment, social assistance, health care, public office, the right to nationality, freedom of opinion, the right to form associations and trade unions, the right of assembly and various other rights and freedoms are guaranteed to all, without distinction between men and women.

The rights guaranteed by the Kuwaiti Constitution and national laws are protected by the judiciary. Article 162 provides that the honour of the judiciary and the integrity and impartiality of judges form the basis of Government and constitute a guarantee of rights and freedoms.

It is perhaps necessary to mention the important safeguard stipulated in article 175, which prohibits any modification of provisions relating to the principles of freedom and equality provided for in the Constitution unless it is to offer further guarantees of freedom and equality.

It is clearly evident from the above constitutional provisions and from the provisions of other laws to be mentioned in due course that the State is committed to the achievement of equal rights and obligations for women and men in a manner consistent with the nature of Kuwaiti society and the provisions of Islamic law which regulate personal status in Kuwait.

Article 2

This article urges States Parties to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation and to adopt appropriate measures to eliminate discrimination against women. It also urges them to provide means of redress for any act of discrimination committed by public bodies or individuals.

The constitutional provisions which guarantee the equality of men and women and non-discrimination against women in Kuwait have already been mentioned in the reply provided in connection with article 1.

It should be noted that the constitutional rules prescribing such rights for citizens are general, objective and unbiased and apply to everyone, without distinction between men and women. In performing their work and exercising their jurisdictions, the State authorities must therefore comply with the principle of the equality of men and women laid down in the provisions of the Constitution. In order to ensure that women enjoy such rights and freedom, the Kuwaiti Constitution and laws guarantee to women the right of legal recourse in the event that any of the rights prescribed for them under those laws are violated. This is provided for under article 166 of the Constitution, which stipulates that the right of legal recourse is guaranteed and that the procedures necessary for the exercise of that right is prescribed by law.

Chapter 5 of the Constitution comprises the sum of the basic principles conducive to guaranteeing women's enjoyment of that right in the required manner. The Organization of the Judiciary Act No. 23 of 1990 includes a number of legal provisions in connection with the judiciary that seek to strengthen the principle of the independence of the judiciary.

Another of the national laws governing this right is Act No. 17 of 1960 promulgating the Code of Criminal Procedure and Trial, the provisions of which set forth the procedures and conditions under which criminal actions may be brought. They also ensure that litigants are provided with all the legal safeguards guaranteed by the Kuwaiti legislature in conformity with the standards of international justice (annex 4).

In this regard, it is important to point out that the above Act makes special provision for women in connection with the enforcement of death sentences against them by stipulating that: "If it transpires that a woman sentenced to death is pregnant and she gives birth to a live infant, execution of the death sentence shall be stayed and the matter referred to the court which passed sentence in order for the death penalty to be commuted to life imprisonment."

It is therefore clear that, in accordance with the above laws, women in Kuwait may seek legal recourse if any of their rights are violated. Through its numerous bodies (administrative, civil, commercial and personal status courts), the judicial power ensures that all means of redress are available to women. If a women pursues those means, the judge applies the laws in force and the provisions of the Convention forming the subject of this report, which, following Kuwait's accession thereto, passed into national law and must be therefore be applied, as mentioned earlier.

It is worth noting that the Kuwaiti judiciary is fair and impartial and that, in their administration of justice, judges are not subject to any authority. Article 163 of the Constitution enshrines the vitally important principle of the independence of the judiciary, as well as that of non-interference in the course of justice. This principle is underlined by the safeguards provided for judges in the Organization of the Judiciary Act, which stipulates that the honour of the judiciary and the integrity and impartiality of judges form the basis of Government and constitute a guarantee of rights and freedoms.

As for the role of national bodies in protecting the rights and freedoms guaranteed by the Constitution, on 24 October 1962, the National Assembly formed a standing committee of parliament on human rights, which consists of seven members of the Assembly. The establishment of this committee by the Kuwaiti parliament is evidence of the concern and importance which it attaches to this key human issue and its efforts to ensure the equal enjoyment of rights constituting a cornerstone of the modern State in which justice and law prevail.

The above committee is competent, inter alia, to:

- Study the legislative enactments in force in Kuwait, in particular criminal laws and prison laws and regulations, remove from them any suggestion that might undermine civil and political rights and propose amendments aimed at guaranteeing effective safeguards of human rights;
- Monitor the activities of government agencies in order to ascertain the extent of their compliance with human rights;
- Receive complaints, seek appropriate solutions to such complaints and pursue them with the official agencies concerned.

This committee has studied a number of issues and matters relating to human rights in Kuwait and followed them up with the competent State authorities.

Article 3

This article calls on States Parties to take appropriate measures, including legislation, to ensure the full development and advancement of women in all fields for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Kuwait is well aware of the importance of creating mechanisms to guarantee to women the full enjoyment of the rights and fundamental freedoms recognized in the Constitution and in the Kuwaiti legislative enactments. The State has therefore sought to establish women's affairs offices in a number of government ministries with a view to achieving the development and advancement of women in the areas falling within the competence of each ministry. These offices are as follows:

a) The Division for Family and Women's Affairs

This Division was established pursuant to Ministerial Ordinance No. 65 of 1997 as part of the Children's Department at the Ministry of Social Affairs and Labour and is specially tasked with:

- Developing an integral plan for the advancement of Kuwaiti women based on the values of Kuwaiti society and the teachings of the true religion of Islam;

- Preparing and following up activity programmes offering families and women the opportunity to fulfil their social and cultural functions;

- Following up the implementation of international conventions and instruments on the family and women in conjunction with the competent State authorities;

- Seeking ways and means of raising women's awareness of their rights and family obligations;

- Collecting and analysing data on women in order to conduct field studies and research with a view to determining the range of problems suffered by women and proposing appropriate solutions in conjunction with the relevant ministries.

b) The Higher Committee for Children and the Family

On the basis of Cabinet Ordinance No. 95/II of 23 January 2000 concerning the creation of a Higher Committee for Children and the Family in Kuwait with a membership comprising representatives of various government bodies and agencies, Ministerial Ordinance No. 143 of 2000 was promulgated in order to form that Committee, which is specially tasked with:

- Following up the implementation of conventions and the recommendations of conferences on children, women and the family by the relevant authorities and evaluating the measures adopted in that connection;

- Formulating and following up the implementation of national plans for children, women and the family;

- Setting up a modern database on children, women and the family;

- Proposing and drafting national plans and projects for children, women and the family;

- Reviewing the laws and legislative enactments on children, women and the family and tabling proposals aimed at ensuring the effectiveness and development of such laws and legislative enactments.

c) The Department of Primary Health Care

The tasks of this Department, which is attached to the Ministry of Health, include catering for women's health, raising health awareness and providing the necessary health services for women and children.

d) The Maternal and Child Centre

The aims of this Centre are, inter alia, to ensure a sound and healthy environment in which the individuals of society are able to develop through awareness-raising, guidance and education, the hope being to improve the universal quality of family life by increasing educational awareness and the recognition of psychological, educational and social problems.

This Centre has carried out various studies and pieces of research in its area of activity, including the publication of a book entitled "Rights of Women and the Child in Kuwait", with a view to disseminating information on the rights of women and the child, increasing the awareness of concepts and values which advocate the elimination of discrimination against women and creating familiarity with the international conventions on the rights of women and the child.

e) The Family Counselling Bureau established as part of the Ministry of Justice

The basic policy of this Bureau is to welcome married couples experiencing domestic problems which put their family life at risk in order to help them overcome the causes of dispute and find appropriate solutions. It is worth mentioning that Kuwait's experiment of establishing a family counselling bureau to offer guidance on legal, psychological and social matters in order to preserve the integrity and stability of the family and reduce divorce rates through higher rates of reconciliation broke new ground. Until recently, Kuwait was the only Middle Eastern country to have such a bureau, but many sister countries have now also benefited by following suit. As a result of the Bureau's efforts in this field, a total of 856 couples successfully resolved their disputes and a further 720 couples were reconciled between 1 January and 30 June 2000. The intention is that periodic follow-up of these cases should be carried out at a later stage to ensure the continuing stability of family life and the avoidance of any further dispute. It is also the future intention of the Bureau to offer a counselling service to divorcing couples after they have separated in order to apprise those involved of their rights and obligations towards each other and their children. Further branches of the Bureau are planned to open in the governorates in order to serve larger sectors of society.

f) The Cabinet Women's Committee

The tasks of this Committee include the follow-up of women's affairs at the domestic level and participation in regional and international conferences and activities relating to women.

g) The Endowment Fund for Scientific and Social Development

This Fund is a major supporter of social development, given the many diverse areas in which it operates owing to its amalgamation of three earlier endowment funds and mainstays of community-building, namely the Endowment Fund for Family Welfare, the Endowment Fund for Culture and Ideas and the Endowment Fund for Scientific Development. The Fund has accomplished success in the areas of science, culture, health and environment, as well as in the provision of services to disabled persons and other special social and family categories.

It should be noted that the Fund has devoted particular attention to the main entities involved in social development, which are intent on promoting the active role of the family, preserving its integrity and ensuring that family members maintain close relations. The Fund has made outstanding contributions in these areas by launching the following projects:

- The project known as "Fruits of My Labour";

- The project known as "Reconciliation".

In the private sector, a number of associations of public benefit comprise women's committees which are tasked with following up women's issues at every level and undertaking other activities relevant to women. There is, for example, a committee of associations of public benefit, as well as a women's rights committee, attached to the Kuwaiti Lawyers' Association, which devotes attention to women's issues, also at every level.

The Kuwaiti associations of public benefit include five women's societies which are involved in work with women. They have achieved numerous successes since their establishment and will be mentioned in the comments on the relevant articles of the Convention.

Article 4

According to this article, the adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women is not considered discrimination as defined in the Convention. Nor is the adoption by States Parties of special measures aimed at protecting maternity considered discriminatory.

In regard to paragraph 2 concerning measures adopted by the Government aimed at protecting maternity, the Kuwaiti laws contain host of measures aimed at protecting women and maternity. At the forefront of such legislative enactments is the Kuwaiti Constitution, which regards the family as the basis of society, founded on religion, morality and patriotism. The law preserves the identity of the family, strengthens its ties and protects maternity and children (article 9).

In conformity with this constitutional principle which decrees that the State must guarantee the protection of maternity, a number of legislative enactments have been promulgated in Kuwait containing provisions by means of which maternity and childhood are protected. These are as follows:

a) The Personal Status Act No. 51 of 1984;

b) Legislative Decree No. 15 of 1979 concerning the civil service;

c) Ordinance concerning the Civil Service Statutes;

d) The Private Sector Employment Act No. 38 of 1964;

e) The Social Insurance Act No. 61 of 1976 (as amended);

f) Legislative Decree No. 22 of 1978 concerning public assistance.

g) Act No. 6 of 1960 promulgating the Penal Code (as amended);

h) The Code of Criminal Procedure and Trial No. 17 of 1960;

i) The Prisons Regulatory Act No. 26 of 1962.

These laws devote special attention to women, as they contain provisions which grant them protection and help them to reconcile their maternal duties with their work responsibilities. These laws will be discussed in detail elsewhere in this report.

As for the health care available to women in Kuwait, it is worth noting that women receive full health care through the health services offered by the Ministry of Health and its health authorities, which cover all governorates and governorate areas. This will be discussed in detail in the response to article 12.

Article 5

Article 5 requests States Parties to take all appropriate measures to modify the social and cultural patterns of men and women, with a view to achieving the elimination of prejudices and practices based on discrimination against either of the

sexes. It also requests States Parties to ensure that family education includes a proper understanding of maternity as a social function.

Education and awareness-raising are central to the policy adopted by the State to counter customs and practices which constitute social or cultural patterns that impede the development process. Alongside educational and health programmes, the media play an important role through their awareness-raising programmes, directed at the family in general and women in particular, which tackle various issues and matters of concern to women. In addition, families receive advice aimed at helping women to perform their family functions to the fullest. The health plans elaborated by the State have also achieved tangible results in the fields of education, family welfare and the raising of health awareness.

In the context of the efforts made in this same field, the Ministry of Education is careful to ensure that its school syllabuses and curricula are such as to ensure a family education based on a full understanding of the role of men and women in regard to the family and maternity.

Private associations are also involved in these efforts and have made great strides forward in the areas of family welfare, child upbringing, family leisure activities and the promotion of voluntary work through programmes dedicated to that purpose.

In Kuwaiti families, the upbringing of children is a responsibility shared between men and women, both of whom assume that task.

The Government shows special concern for the family, as can be seen from numerous legislative enactments designed to safeguard family security and stability so that both parents are able to carry out their domestic obligations to the full.

The Kuwaiti Constitution, which forms the legal framework for the social legislation, contains numerous provisions defining the fundamental principles on which Kuwaiti society is based with a view to safeguarding human dignity, rights and freedoms. The Constitution also defines the responsibility of the State towards mothers and children. These principles are illustrated by the following texts:

a) Justice, freedom and equality are the pillars of society and citizens are bound together by the strongest ties of mutual help and understanding (article 7);

b) The State shall safeguard the pillars of society and shall guarantee security and equal opportunities for its citizens (article 8);

c) The family, being based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework (article 9);

d) The State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect (article 10).

With regard to the position adopted in other Kuwaiti legislative enactments, sections 4 and 5 of the Kuwaiti Personal Status Act contain provisions on breast-feeding, custody and the conditions attached thereto, while section 6 regulates the question of the maintenance, which must be provided by parents in accordance with articles 202 and 203. Under these two articles, child maintenance must be provided by the father throughout marriage and also in the event that the marriage is

dissolved. In cases where the mother is affluent and the father is indigent, the mother must provide maintenance for which the father remains liable.

Under article 204, the maintenance of a wife and children takes precedence if there are several people entitled to maintenance and the person required to provide it has insufficient means to maintain them all.

These provisions clearly indicate that the welfare and upbringing of children is the joint responsibility of the father and the mother.

In this connection, it might be useful to specify some of the aims of the policy of social solidarity designed to ensure the protection and development of the family in Kuwait, which can be summarized as follows:

a) The development and strengthening of links between social institutions, and particularly between the family and the school, in order to incorporate the concept of democracy in the upbringing of children;

b) Promotion of the role of women in the socio-economic development process, with emphasis on their role in the upbringing of children and family care;

c) The development and mutual coordination of associations of public benefit, the improvement of their services in a manner consistent with the needs of local society, and the enhancement of the family's capabilities.

With regard to violence against women within the family, at the workplace or in any other area of social life (General Recommendation 12 concerning violence against women), it is noteworthy that the Kuwaiti Constitution and the Kuwaiti laws take special care of women, as they contain numerous provisions which prohibit the use of violence and degrading treatment. They also aim to protect women from all forms of violence, whether within the family, at work or in any other area of life, as follows:

a) Violence in the family

The Personal Status Act contains the guarantees needed to protect a wife against any violence to which she may be subjected by her husband. In defining marriage and the relationship between spouses, it aspires to the words of God Almighty contained in the Holy Quran: "He gave you wives from among yourselves, that you might live in joy with them, and planted love and kindness in your hearts."

The provisions which prohibit domestic violence include the following:

- A woman shall receive compensation, at the discretion of the judge, amounting to not more than half the dowry of her peers if she and her husband separate before their marriage is consummated or before they meet in true seclusion (art. 64);
- A wife may not be coerced into obedience (art. 88);
- Either spouse may seek a separation before or after consummation of the marriage if he or she is so injured by the other's words or deeds as to be unable to continue associating among their mutual peers (art. 126);

- If a husband absents himself for a year or more without legitimate excuse, his wife may seek a divorce if she is injured by his absence, even if she was able to use his assets to maintain herself (art. 136);

- Either spouse may seek an annulment if the other has a serious defect which is repellent or harmful or which prevents marital intercourse, whether the defect was present before the marriage contract or whether it occurs subsequently. The right of either spouse to seek annulment is forfeited if he or she knew of the defect before the wedding or explicitly accepted it after the event (art. 139);

- In exception to the above article, the right of the wife to seek an annulment is not forfeited if the man has defects which prevent marital intercourse, such as primary or occasional impotence, even if she explicitly accepted such defects (art. 140).

If a legally valid marriage is dissolved after it has been consummated, in addition to the maintenance payable during her legally specified waiting period (after which remarriage is permitted), the wife is entitled to compensation amounting to not more than one year's maintenance, depending on the husband's financial status, payable in monthly instalments as soon as her legally specified waiting period is over, unless both parties agree to a different amount or payment scheme. The following are exempt from the above provision:

- Divorce on grounds of the husband's failure to provide maintenance owing to his indigence;

- Separation on grounds of injury if such injury is caused by the wife;

- Divorce to which the wife gives her consent;

- Annulment of the marriage at the request of the wife;

- The death of either spouse (art. 165).

In this connection, it is worth pointing out that the State established a number of family counselling offices and centres which specialize in providing legal, psychological and social advice. They also provide essential awareness-raising and guidance with a view to improving domestic life and preserving the integrity and stability of the family, in addition to offering any necessary assistance.

b) Violence at the workplace

Chapter 6 of the Private Sector Employment Act No. 38 of 1964 includes provisions designed by the Kuwaiti legislature to achieve the welfare and protection of working women. These particular provisions of this chapter, entitled "Women's employment", are as follows:

- Women may not be employed at night, except in private medical homes and other institutions in which employment is regulated by ordinance of the Minister of Social Affairs and Labour (article 23).

In the desire to eliminate violence from all aspects of social life, the legislature was careful to lay down binding rules which guarantee to women protection from all forms of violence in all areas of life. The Penal Code No. 16 of 1960 (as amended) provides for protection, since it designates as contrary to law all acts of violence, bodily harm, ill-treatment, sexual exploitation and confinement perpetrated against

any person, male or female, by individuals in an unofficial capacity or by official employees during the performance of their work. Penalties are laid down for those acts depending on their gravity, as follows:

- Anyone who deliberately kills a person shall be liable to the death penalty or life imprisonment, to which may be added a fine of up to 1,125 dinars (art. 149);

- Anyone who deliberately injures or strikes a person or offers him narcotic substances which unintentionally lead to his death shall be punished by a term of imprisonment of up to 10 years, to which may be added a fine of up to 10,000 rupees (art. 152);

- Anyone who strikes, wounds, causes bodily harm to, or prejudices the physical integrity of, any person in an appreciable manner shall be punished by a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees (art. 160);

- Anyone who severely harms another person by using him as a target for any form of projectile, by striking him with a knife or any other dangerous instrument, by throwing a caustic liquid at him, by placing such liquid or any explosive material in any place with a view to harming him, or by providing him with a narcotic substance, shall be punished by a term of up to 10 years' imprisonment, to which may be added a fine of up to 10,000 rupees (art. 161);

- Anyone who inflicts harm on another person in such a way as to cause a permanent disability shall be punished by a term of up to 10 years' imprisonment, to which may be added a fine of up to 10,000 rupees. A penalty of up to five years' imprisonment and/or a fine of up to 5,000 rupees shall be imposed if such acts of aggression cause the victim to suffer severe physical pain or render him unable to use one or more of his limbs or bodily organs in a natural manner for a period exceeding 30 days but without causing him to suffer a permanent disability (art. 162);

- Anyone who commits a minor act of aggression of lesser gravity than the acts referred to in the preceding articles shall be punished by a term of up to three months' imprisonment and/or a fine of up to 300 rupees (art. 163);

- Anyone who unintentionally wounds or causes appreciable harm to another person by acting in a thoughtless, negligent, careless or inattentive manner or by failing to respect the regulations shall be punished by a term of up to one year's imprisonment and/or a fine of up to 1,000 rupees (art. 164);

- Anyone who threatens to cause injury to the person, reputation or property of another person or to the person, reputation or property of a person with whom he is concerned, whether the threat is written or verbal or takes the form of acts which cause a person to believe that his person, reputation or property will be attacked, the intention being to cause the victim to perform or refrain from performing an act, shall be punished by a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees. If the threat to kill is made, the penalty shall be a term of up to three years' imprisonment and/or a fine of up to 3,000 rupees (art. 173);

- Anyone who abducts a person without his consent by forcing him to move from the place in which he is normally resident to another place and detaining

him therein shall be punished by a term of up to seven years' imprisonment (art. 178);

- Anyone who uses force, threats or deception to abduct a person with the intention of killing him, inflicting harm upon him, having sexual intercourse with him, committing indecent assault against him, inducing him to engage in prostitution or robbing him shall be liable to the death penalty (art. 180);

- Anyone who knowingly conceals a person who has been abducted shall be punished as if he himself had abducted that person. If he is also aware of the intention behind, or the circumstances of, the abduction, the penalty shall be the same as for the person who carried out the abduction with such intention or in such circumstances (art. 180);

- Anyone who arrests, imprisons or confines a person in circumstances other than those prescribed by law or without observing the procedures thus prescribed shall be punished by a term of up to three years' imprisonment and/or a fine of 3,000 rupees. If such acts are combined with physical torture or the threat to kill, the penalty shall be a term of up to seven years' imprisonment, to which may be added a fine of 7,000 rupees (art. 184);

- Anyone who causes a person to enter or leave Kuwait with a view to disposing of the said person as a slave, and anyone who purchases, offers for sale or gives away a person as a slave, shall be liable to a penalty of up to five years' imprisonment" (art. 185).

The Penal Code is also strict in cases where the victim is of a young age and also in circumstances where the offender is one of the victims' ascendants or a person responsible for his care. The relevant articles on this subject will be mentioned elsewhere in this report.

In this regard, it is also noteworthy that the Prisons Regulatory Act No. 26 of 1962 shows particular concern for women prisoners who are pregnant or caring for their children. Article 33 stipulates that, beginning from the sixth month, a pregnant prisoner shall be treated as a category A prisoner if she is not already in that category. She shall be exempt from prison work and receive special care in terms of her food, sleep and removal to hospital when the time of her confinement approaches. She shall remain in hospital until she gives birth and is authorized to leave by the doctor.

Article 34 stipulates that a child whose mother is imprisoned must remain with her until he reaches the age of two, when he must be handed over to the father or to a relative of her choosing, as is also the case if she does not wish him to remain with her. If the child has no father or relatives who are able to provide for him, he is placed in a children's care home and arrangements are made for his mother to see him in accordance with the internal regulations.

Article 49 stipulates that if it transpires that a woman under sentence of death is pregnant and gives birth to a live infant, execution of the sentence must be stayed and the measures prescribed in the Code of Criminal Procedure must be taken to commute the death sentence to life imprisonment.

Ordinance No. 25/1976 concerning the internal regulations for prisons, as amended by Ordinance No. 33/87, provides a guarantee that any woman who is imprisoned may, at her request, have any of her children below the age of 12

brought to the prison once a week to see her. Such visits are not conducted in the usual visiting area and may, with the permission of the prison warder, ensue in private. Nor are they prevented for any reason connected with the mother's behaviour inside the prison. They may, however, be prevented for reasons of health. Visits by children over the age of 12 are conducted in accordance with the general rules on visiting.

In addition to the above, the State is keen to protect Kuwaiti and non-Kuwaiti women inhabitants from all types of ill-treatment. The law is applied in all reported cases of ill-treatment, whatever the sex of the offender or the victim. Moreover, as previously stated, the right of legal recourse is universally guaranteed (annex 5: Statistical report on sentencing by the Kuwaiti courts in cases of physical assault).

Although the Kuwaiti Constitution and the laws in force guarantee various rights and freedoms to women, including the right to work and hold public office, Kuwait has some laws which rule out the employment of women in certain posts, such as in the military, the police, the army and the diplomatic corps, for a variety of reasons. The competent authorities, however, are moving towards the appointment of women to the police force, although this is still being looked into. As for the employment of women as members of the judiciary, it should be pointed out that the judiciary in Kuwait has two divisions: the first is concerned with the administration of justice and the second, in which women are permitted to work, with investigation. Consequently, the Department of Public Investigations at the Ministry of Interior has Kuwaiti women working as investigators. Employment in the division which administers justice, however, is confined exclusively to men for a variety of reasons, as is employment in the Department of Public Prosecutions.

Article 6

Article 6 calls on States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

The Government of Kuwait first of all wishes to state its position on this matter, which is that it rejects all practices connected with traffic in women and the exploitation of women in prostitution, as well as all other similar practices, since they represent a form of modern slavery which is inconsistent with the most basic human rights and with human dignity and values. They are also inconsistent with the provisions of Islamic law, which calls for virtue and forbids such acts. Moreover, they are incompatible with public order and morality.

In regard to the measures adopted by Kuwait to prevent traffic in women and the exploitation of prostitution of women, the Kuwaiti Penal Code No. 16 of 1960 contains strict legal provisions under which these acts are punishable offences with penalties designed to act as a deterrent leading to the eradication of such inhumane practices. Acts of sexual intercourse, indecent assault, incitement to debauchery, prostitution and traffic in women and exploitation in acts of prostitution are designated as offences under the Code, as follows:

- Anyone who has sexual intercourse with a woman without her consent, through the use of force, threats or deception, shall be liable to the death penalty or life imprisonment. If the offender is an ascendant of the victim or if he was one of the persons entrusted with her upbringing or welfare or vested

with authority over her or if he was her servant or a servant of any of the above-mentioned persons, he shall be liable to the death penalty (art. 186);

- Anyone who engages in sexual intercourse with a female who is insane, demented, under 15 years of age, incapable of exercising willpower for any other reason or unaware of the nature of the act to which she is subjected or believes it to be lawful shall be punished by life imprisonment, even if intercourse takes place without coercion, threats or deception. The death penalty shall be imposed in cases where the offender is an ascendant of the victim or if he was one of the persons entrusted with her upbringing or welfare or vested with authority over her or if he was her servant or a servant of any of the above-mentioned persons (art. 187);

- Anyone who, without using force, threats or deception, has sexual intercourse with a female who is over 15 but under 21 years of age shall be punished by a term of up to 15 years' imprisonment. The penalty shall be increased to life imprisonment if the offender is an ascendant of the victim or if he was one of the persons entrusted with her upbringing or welfare or vested with authority over her or if he was her servant (art. 188);

- Anyone who, without using force, threats or deception, knowingly has sexual intercourse with a woman over 21 years of age who is within the prohibited degrees of kinship shall be liable to a penalty of up to 15 years' imprisonment. If the victim was over 15 but under 21 years of age, the penalty shall be life imprisonment. The above penalties shall be imposed on any guardian, tutor, curator or person entrusted with her custody, upbringing or welfare or the supervision of her affairs if he has sexual intercourse with her without using force, threats or deception (art. 189);

- Anyone who uses force, threats or deception to commit an act of indecent assault shall be liable to a penalty of up to 15 years' imprisonment. If the offender is an ascendant of the victim or if he was one of the persons entrusted with the victim's upbringing or welfare or vested with authority over the victim or if he was the victim's servant or a servant of any of the above-mentioned persons, he shall be liable to a penalty of life imprisonment. The aforementioned penalties shall be imposed if the victim was incapable of exercising willpower due to his or her young age, insanity or feeble-mindedness or if the victim did not realize the nature of the act or believed it to be lawful, even if the act was committed without force, threats or deception (art. 191);

- Anyone who indecently assaults a young boy or girl under 21 years of age without using force, threats or deception shall be liable to a penalty of up to 10 years' imprisonment. If the offender is one of the victim's ascendants or was a person entrusted with his or her upbringing or welfare or vested with authority over the victim or if he was a servant of any of the above-mentioned persons, the penalty shall be a term of up to 15 years' imprisonment (art. 192);

- Anyone who incites a male or female person to commit acts of debauchery or prostitution, or in any way assists therein, shall be punished by a term of up to one year's imprisonment and/or a fine of up to 1,000 rupees. If the victim is under 18 years of age, the penalty shall be a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees (art. 200);

- Anyone who uses force, threats or deception to induce a male or female person to engage in debauchery or prostitution shall be punished by a term of up to five years' imprisonment and/or a fine of up to 5,000 rupees. If the victim was under 18 years of age, the penalty shall be a term of up to seven years' imprisonment and/or a fine of up to 7,000 rupees (art. 201);

- Any man or woman who, by using force or exerting influence or control over another person who engages in acts of debauchery or prostitution, wholly or partially lives off the money so earned by that person, whether he or she obtains such money with the agreement of the latter for nothing in return or as a form of payment in return for protection or freedom from harassment, shall be punished by a term of up to two years' imprisonment and/or a fine of up to 5,000 rupees (art. 202);

- Anyone who establishes or runs premises for the purpose of acts of debauchery or prostitution, or in any way assists therein, shall be punished by a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees (art. 203);

- Anyone who openly induces in a public place the commission of an act of debauchery or prostitution shall be punished by a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees. The same penalties shall be applicable to any person who prints, sells, distributes or displays images, drawings, models or any other item which is offends modesty (art. 204);

From the above provisions, it is evident that the exploitation of prostitution of women and children is prohibited under the Kuwaiti Penal Code, which stipulates heavier penalties for offenders who perpetrate such acts against members of either category.

In addition, Kuwait has demonstrated its concern to provide and promote counselling and rehabilitation programmes for those who perpetrate violence by establishing a juvenile welfare department, which endeavours to take care of them and encourage research on the counselling and rehabilitation of juveniles and minors of both sexes.

Furthermore, the different media (both official and popular) devote attention to raising the awareness of society and families in particular by means of specially designed programmes and symposia during which experts discuss issues and problems connected with violence against women and the stereotypical aspects of relationships between men and women and offer appropriate solutions.

Kuwait also has a number of institutional mechanisms through which women and girls are able to report acts of violence committed against them.

It should be mentioned that Kuwait has made efforts to adopt practical measures through which it has been able to block all opportunities leading to unlawful sexual practices on its territory, the authorities of the Ministry of Interior having taken the requisite steps to combat vice, arrest those who engage in immoral practices and pursue the necessary action in their regard. Through such measures, the Ministry aims to fight such dangerous social ills in order to safeguard the morals and behavioural values of society, in which regard these concerted efforts have been remarkably successful. Without a doubt, the measures adopted by the competent authorities in this domain reflect the genuine desire to combat such unlawful practices.

Kuwait wishes to stress that prostitution and other inhuman practices are not an apparent trend in Kuwait. This is not to deny that they exist. However, they are limited in extent and are occasionally subject to severe clampdown by the relevant State authorities in order to safeguard society in the above-mentioned manner.

As for sex tourism, it does not exist in Kuwait. Nor is there any prostitution of juveniles.

In the desire to provide further safeguards and legal protection for women, Kuwait acceded to the relevant international conventions and those comprising provisions which prohibit such acts, as follows:

a) The Slavery Convention of 1926;

b) The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1929;

c) The Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others;

d) The International Covenant on Civil and Political Rights, article 8 of which prohibits slavery and the slave-trade in all their forms;

e) The Convention on the Rights of the Child;

f) The Convention on the Elimination of All Forms of Discrimination against Women.

Article 7

This article requests States Parties to take all appropriate measures to eliminate discrimination against women in political and public life and, in particular, to ensure to women, on equal terms with men, the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all functions at all levels of government; and to participate in non-governmental organizations and associations concerned with the public and political life of the country.

On this subject, before setting out the legal framework pursuant to which the above rights are guaranteed, Kuwait wishes to point out that, on its accession to the Convention on the Elimination of All Forms of Discrimination against Women, it entered a reservation to paragraph (a) of this article. In this connection, it would like to mention the initiative of His Highness the Amir of Kuwait, Sheikh Jaber Al-Ahmad Al-Sabah, who issued an Amiral decree granting women their full political rights to vote and stand as candidates for election to parliamentary councils, in the light of which Legislative Decree No. 9/1999 was promulgated on 12 May 1999.

The Legislative Decree was promulgated during the period in which the National Assembly was under dissolution in accordance with the Constitution. When it was presented to the National Assembly, a majority of members voted against it and it was therefore revoked. This did not, however, prevent various concerned individuals and bodies from pursuing their efforts and filing a number of lawsuits, most recently Case No. 358 of 2000, which was dismissed by the court.

The Constitutional Court has considered cases on this issue referred to it by the Administrative Court. None of rulings which it delivered, however, discussed the merits of these cases, which were dismissed owing to formal errors in the manner in which they were filed.

In regard to the rights covered under paragraph (b), it is stressed that women in Kuwait enjoy equal status with men in regard to holding public office and the rights and obligations of office in accordance with the provisions of the Kuwaiti Constitution and the labour laws in force in the country.

Under article 26 of the Constitution, public office is deemed to be a right of male and female citizens, without distinction or discrimination. The article stipulates that public office is a national service entrusted to those who hold it and that public officials shall perform their duties with a view to the public interest.

In accordance with this constitutional provision, laws regulating public office were promulgated. Furthermore, these laws in no way violate the constitutional principle laid down in article 29 of the Constitution, which provides for equality in regard to human dignity and in regard to public rights and obligations, without distinction on grounds of sex, origin, language or religion. They do, however, include certain concessions for women, reflecting the legislature's belief in their role as mothers, home-makers and shapers of future generations, while keeping their employment rights intact. A full explanation of the labour laws in force will be provided among the comments on article 11, together with information on the rights enjoyed by women and their status in the government and private sectors.

Kuwait has gone to great lengths to create an aware labour force in the various employment sectors and women, insofar as they represent one half of society, enjoy all the right guaranteed by the Constitution and relevant laws. The opportunities are therefore available for women to ascend to the highest office on the employment ladder and they have achieved success and distinction in employment and in the assumption of high-ranking posts in both government and private sectors.

Nonetheless, there are certain factors which have a bearing on determining the rates of female participation in the employment market, primarily:

a) Educational status

Educational status is well-known to affect women's entry to the labour market. The fall in female illiteracy rates is therefore a factor which has influenced the higher contribution of women to the labour force. In 1993, an average of 30 per cent of women in the female labour force had university degrees and 21.5 per cent had intermediate diplomas. A further 15.7 per cent of female workers had general certificates of secondary education and 25.9 per cent had post-secondary-school certificates.

b) Marriage

Marriage affects the number of females participating in the labour force, to which unmarried women make a higher average contribution than married women in the over-35 age group, as married women shoulder domestic burdens and the responsibility of husband and children. They therefore prefer to remain free to attend to family matters.

c) Customs and traditions

Social customs and traditions were one reason why the entry of women to the labour market was delayed until the resurgence of education in the early 1960s, at which point women were able to establish their presence in society and broke into the different areas of employment to take their place alongside men. The increasingly higher rates of economic progress, the cultural and media revival and the rise in the educational status of women undoubtedly constituted factors that prompted a change in the customs and traditions which had previously prevented women from participating in the labour market.

1. Early retirement

Data on the patterns of retirement in some employment sectors indicate that women tend to retire early and at a younger age than men. Data on early female retirement show that the phenomenon is starting to rise, the number of early retirees among women having risen from 582 in 1988 to 983 in 1993.

The competent authorities were therefore quick to study the reasons for this phenomenon by conducting a large number of field studies on the causative factors encouraging women to leave work early, such as administrative and organizational factors and factors relating to work environment and retirement benefits, in addition to health and personal factors, all of which influence the decision to take early retirement.

In regard to the participation of Kuwaiti women in positions of authority and decision-making at all levels, it should be pointed out the nature of Kuwaiti society and the laws in force have helped to boost women's participation in and contribution to the different areas of development. Equality between men and women was established as a principle in the Kuwaiti Constitution and the laws in force with a view to increasing the contribution of women to the different employment sectors and their assumption of responsible and decision-making positions at all local and international levels.

Appointments and promotions to high-ranking positions are made in all cases where the required conditions are met. Each case is handled without bias in the light of the general rules and regulations stipulated in the Civil Service Act and the administrative regulations and rules applied in other employment sectors. No other considerations relating to gender play any part in the decision-making.

It goes without saying that any comparisons made in such cases in order to determine a preference are governed by the desire to achieve the public interest and respect the right of both male and female employees to claim their full dues in accordance with the principles of justice, right and equality articulated in the Constitution.

In the light of the above, the opportunities for appointment and promotion to high-ranking posts are available to all, regardless of gender, provided that the conditions prescribed by the relevant laws are met.

On that basis, Kuwaiti women have gradually progressed to high-ranking positions in consistency with the nature of Kuwaiti society, the development and growth of the role of women and their input to the development issues in their society. Kuwaiti women have accordingly held a number of high-level positions, including those of university rector, minister of state and ambassador. The number

of women holding high administrative office stood at 285 in 1993 and 311 in 1997, indicating the growing status of women in assuming high-ranking posts and the fact that administrative leadership is not restricted to men alone. Women in high-ranking administrative positions represented 7.6 per cent of the total number of Kuwaiti workers in 1993.

In the petroleum sector, a total of seven women held high-ranking positions in oil corporations, which is equivalent to 14 per cent of the overall number of such positions in the sector.

In addition, Kuwaiti women are now members of various governing boards of banks, cooperative societies and companies. For the first time ever, a Kuwaiti woman was appointed as a member of the governing board of Kuwait Airways, a position which had remained the sole preserve of men for a number of years. Women have also gained membership of cooperative societies, an appointment which represents the first step of its kind in Kuwait and which stems from the belief of those in positions of responsibility in the ability of Kuwaiti women to make an ongoing contribution and accomplish the greatest successes in this field. They have also won membership of the governing boards of the Kuwaiti Lawyers' Association and the Kuwaiti Journalists' Association, in addition to the chairmanship of various private companies and private commercial and professional businesses. Moreover, women have held the post of editor-in-chief of a weekly newspaper, in addition to which they practise the same technical professions as men, including advocacy, engineering and medicine.

This growth in the status of Kuwaiti women highlights the fact that society accords a uniquely special place to women at all levels of decision-making.

As for the presence of Kuwaiti women in decision-making positions in the private sector, it is worth mentioning that Kuwaiti women have begun working in financial and banking institutions, a sector in which they have assumed high positions and proved their worth. They have also entered the world of investment, where the proportion of female workers contributing to economic growth stood at 18.4 per cent in 1998. Statistics indicate that the number of women employers increased from 40 in 1980 to 105 in 1992 and 230 in 1997. This indicates the growing trend to encourage women to run their own businesses. although their numbers are still relatively low compared with the number of men in this field.

Underscoring the importance of women and their status in society, Kuwait's long-term development strategy (1990-2015) adopted in 1989 by the Higher Planning Council, also focused on the essential role of women in society as mothers and shapers of future generations, as well as on their contribution to the workforce and development efforts, as did the National Charter for Reform and Development (1992/93-1994/95), the Draft Work Programme of the Government for 1996 and the Five-Year Economic and Social Development Plan (1995/96-1999/2000).

As for the participation of Kuwaiti women in non-governmental associations and trade unions involved in public life, it is a right ensured to them by the Kuwaiti Constitution and the laws in force, article 43 of the Constitution having prescribed the freedom to form associations and trade unions on a national basis and by peaceful means in accordance with the conditions and procedures specified by law.

Pursuant to this constitutional provision, the State promulgated Act No. 24 of 1962, which regulates the establishment of clubs and associations of public benefit

in Kuwait. Article 1 of the Act defines the meaning of clubs and associations of public benefit and also regulates the manner of their establishment and the conditions to be fulfilled in that regard. Other provisions cover the management, financing and dissolution of such clubs and associations (annex 4).

There is no doubt that neither the role of women in development efforts nor their contribution in the service of society is merely a function of their involvement in paid work. On the contrary, both are also a function of their effective participation in private women's associations involved in voluntary work and the social services, bearing in mind that such associations are considered to be valuable to the country in view of their achievement of cultural, social, artistic and vocational objectives by means of the programmes and activities which they supervise or in which they participate. The energies of their women members are consequently invested in a way which makes a contribution to development efforts. In addition, the State encourages women to establish women's societies which work to improve the social, cultural and economic status of women and strengthen their role in society.

In Kuwait, there are 55 private associations of public benefit which receive financial and technical support from the Ministry of Social Affairs and Labour. Their activities range from the vocational, cultural, social, religious and economic to others of an instructive nature, such as those pursued by environmental associations, anti-smoking associations, AIDS associations and associations concerned with security and safety issues. There are also 31 sports clubs and federations, all of which aim to boost sports education and its related cultural, social and spiritual aspects, as well as organize facilities enabling their members to use their leisure time in ways that benefit them. It is worth mentioning that membership of these associations is open to men and women alike and that there are Kuwaiti women members of the governing boards of associations, such as the Kuwaiti Journalists' Association.

The associations of public benefit referred to above include five women's associations, namely:

- The Kuwaiti Federation of Women, which was established in 1994 to strengthen the status of women in contributing to, coordinating and participating in social and voluntary work through the Federation's activities at home and abroad, including participation in the International Conference on Population and Development and in the meetings of the Consortium of Women's Non-Governmental Organizations, held in Beijing, as well as attendance as an observer at the Fourth World Conference on Women in Beijing;
- The Women's Socio-Cultural Association;
- The Women's Bayadir al-Salam (Peace Forums) Association;
- The Islamic Welfare Association;
- The Girls' Club.

These associations aim to increase public awareness of issues at home and join in supporting the causes of women and children through programmes, clubs, lectures and training courses designed to enhance the scientific, cultural and social status of women in all fields, strengthen social ties and coordinate social cooperation, as well

as improve ways of integrating women in society and strengthening their role and input in all sectors. In the field of religion, these associations endeavour to diffuse the culture of religion, promote the revival of the Islamic heritage and disseminate the truths and virtues of the Muslim religion. They also encourage women to serve society by throwing their energies into voluntary work and using their cultural, educational and technical potential to that end, in particular women who are fully devoted to matters of the home and have sufficient time to engage in voluntary work.

In addition, in order to serve women and encourage them to perform their functional role in society, the majority of women's associations opened model nurseries to provide childcare for working mothers, who consequently feel more relaxed at work in the assurance that their children are receiving care and attention in such nurseries.

It should be said that women's involvement in voluntary work is not simply confined to the realm of women's associations, as they also give assistance to various private associations operating in the cultural, social and vocational fields. Some of these associations have women's committees and include, inter alia, the Kuwaiti Red Crescent Society, the Kuwaiti Lawyers' Association, the Social Reform Society, the Revival of Islamic Heritage Society and the Kuwaiti Graduates' Society.

Article 8

This article calls on States Parties to take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

In regard to participation in conferences and meetings at the international and regional levels, it is worth mentioning that Kuwaiti women represent their country at all international forums and worthily so. They have thus participated in various international and regional conferences held within the framework of international and regional organizations such as the United Nations and the League of Arab States. The countless examples of the meetings in which women have participated at the international level include:

a) The Fourth World Conference on Women, held in Beijing in 1995;

b) The twenty-second special session of the General Assembly of the United Nations on women (implementation of the outcome of the Fourth World Conference on Women);

c) The twenty-third special session of the General Assembly of the United Nations entitled "Women 2000: gender equality, development and peace for the twenty-first century", held during the period 5-9 June 2000;

d) The twenty-fourth special session of the General Assembly of the United Nations on the outcome of the World Summit for Social Development and beyond: achieving social development for all in a globalizing world, held in Geneva during June 2000;

e) The meetings of the Commission of Arab Women held within the framework of the League of Arab States;

f) The meetings of the General Assembly of the United Nations, which are held annually between September and the end of November;

g) The Arab Women's Summit, held in Cairo during the period 18-20 November 2000 under the banner of "Present challenges and future prospects".

Kuwaiti women have also held international positions at the United Nations, including:

a) The selection of the representative for higher education as a member of the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) from 1 January 2000 to 31 December 2002;

b) The selection of the rector of Kuwait University in 1998 for a six-year term of membership of the United Nations University, for which she was nominated by the Secretary-General of the United Nations, Mr. Kofi Annan, on the basis of her administrative and academic experience;

c) The appointment of Mrs. Mariam Al-Awadhi to the post of Deputy Executive Secretary of the United Nations Economic and Social Commission for Western Asia (ESCWA);

d) The appointment of Mrs. Fatima Jawhar as Kuwait's representative to the Food and Agricultural Organization of the United Nations (FAO).

The selection of Kuwaiti women for international positions is a tribute to all Kuwaiti women and the pioneering position which they hold in all areas of life, in addition to which it demonstrates an appreciation of their role in the field of development.

In Kuwait, work in the diplomatic and consular corps is restricted to men alone, with the one exception of the woman at the head of the Kuwaiti diplomatic mission in Vienna, who was formerly a member of the Permanent Mission of Kuwait in New York, following which she was appointed as Kuwait's ambassador to South Africa.

Article 9

This article covers the equal rights of women with men to acquire, change or retain their nationality, as well as the rights of their children.

The right to nationality is enshrined in the Kuwaiti Constitution under article 27, which stipulates that Kuwait nationality shall be defined by law and shall not be invalidated or withdrawn except as provided by law.

In Kuwait, Kuwaiti nationality is regulated by the Nationality Act No. 15 of 1959, to which a number of amendments have been introduced with the aim of regulating in detail the circumstances relating to Kuwaiti nationality and the procedures for acquiring it.

The provisions of the above Act underline the principle of equality between men and women in all matters connected with the acquisition of Kuwaiti nationality. They also regulate the consequential effects of marriage in regard to the nationality of wives and children.

Article 1 of the Act defines those who are Kuwaitis by providing that Kuwaitis are essentially persons who settled in Kuwait before 1920 and retained their habitual residence therein until publication of the Act.

Article 2 provides that a Kuwaiti is any person who is born in Kuwait or abroad to a Kuwaiti father. The crucial point is that nationality is acquired by blood and not by territory. A child may therefore be born in Kuwait to a Kuwaiti father and is accordingly Kuwaiti, provided that the father is Kuwaiti. Hence, the important thing is the nationality of the father at the time of birth. It is not essential, however, for the father to be alive at the time of birth of his son or daughter.

Article 3, paragraph 2, of the Act provides that a child shall have the nationality of his Kuwaiti mother in cases where neither the father nor his nationality can be identified. If the father is unknown, or if he is known but his legal paternity has not been established, or if he is known and his legal paternity has been established but his nationality is unknown or he is stateless, the child retains the nationality of his Kuwaiti mother, a tie which is not invalidated, as a result of which the children acquire Kuwaiti nationality through the mother. In such cases, nationality is also acquired by blood, but through the mother and not through the father.

Article 5 states that Kuwaiti nationality may be granted to a child born to a Kuwaiti woman if the father is a non-Kuwaiti who has irrevocably divorced the mother or is deceased. By ordinance of the Minister of the Interior, minors who fulfil these conditions may be treated as Kuwaitis until they reach the age of majority.

Under article 7, Kuwaiti nationality is granted to an alien wife, who may acquire Kuwaiti nationality in accordance with the provisions of the Act if, within the period specified by law, she declares her wish to acquire the nationality of her spouse. Under the same article, nationality is granted to the minor children of a naturalized father until they attain the age of majority, at which point they may, within one year of attaining that age, choose to adopt their original nationality.

Under article 8, an alien woman married to a Kuwaiti national is granted Kuwaiti nationality if she declares her wish to acquire such nationality and the marriage continues for a period of five years from the date upon which she declares that wish.

A wife who acquires Kuwaiti nationality in accordance with the provisions of the law is not deprived of her nationality, even if the marriage subsequently ends for any reason, such as death or divorce, except in two instances, as stipulated in article 9. The first is where her original nationality is restored and the second is where she acquires another alien nationality.

The Kuwaiti legislature grants any Kuwaiti woman married to an alien the right to retain her nationality, of which she is not deprived unless she takes the nationality of her husband, at her request (article 10). Nor is a Kuwaiti wife deprived of her Kuwaiti nationality in the event that her husband does so upon electing to acquire an alien nationality, except if she takes his nationality. As for minor children, they are deprived of Kuwaiti nationality if they take their father's new nationality pursuant to the law relating thereto. By law, however, they continue to have the opportunity to resume their Kuwaiti nationality after they attain the age of majority if they declare their wish to do so to the Minister of the Interior within

one year of attaining that age, in which case they are deemed to be Kuwaiti from the time when such declaration is made.

Article 12 of the Act stipulates that, by a Cabinet ordinance based on a submission from the Minister of the Interior, Kuwaiti nationality may be reinstated to a Kuwaiti woman who was deprived of her nationality in accordance with the provisions of the Act if she relinquishes her alien nationality and if she normally resides in or returns to reside in Kuwait. In such cases, her nationality is deemed to have been reinstated from the date on which the Cabinet approves the reinstatement.

In order to implement the provisions stipulated in the above articles of the Act, the State promptly adopted a number of measures, exemplified by the following:

- The promulgation, on 30 December 1997, of Amiral Decree No. 202 granting Kuwaiti nationality to children born to a Kuwaiti mother;
- The promulgation of Amiral Decree No. 295/98 granting Kuwaiti nationality to children born to a Kuwaiti mother;
- The promulgation, on 31 October 2001, of Amiral Decree No. 271 granting Kuwaiti nationality to 279 children of divorced Kuwaiti women or Kuwaiti women whose alien husbands had died, in accordance with article 5, paragraph 2, of the Nationality Act, as amended by Act No. 21 of 2000, promulgated on 3 June 2000.

In regard to women's travel documents, Kuwaiti women have the right to obtain their own passports. Article 1 of the Passports Act No. 11 of 1962, which regulates matters relating to Kuwaiti passports, stipulates that Kuwaitis may not leave or return to Kuwait unless they hold a passport. Paragraph 3 of the article, which was inserted pursuant to Act No. 105 of 1994 adding a third paragraph to article 17 of Act No. 11 of 1962, states that a non-Kuwaiti woman married to a Kuwaiti may be granted a passport at the request of the husband if the conditions specified in the paragraph are met. This paragraph was added owing to a desire on the part of the legislature to ensure that non-Kuwaiti women married to Kuwaitis receive fair treatment and in order to affirm the principles of human and social justice and prevent problems resulting from the failure to allow non-Kuwaiti women married to Kuwaitis to have separate passports.

Article 17 stipulates that passports shall be issued to those who enjoy Kuwaiti nationality in accordance with the provisions of the Nationality Act in force at the time when the passport is issued.

Under article 15 of the Act, a husband's prior consent is a prerequisite to enabling his wife to obtain a separate passport; the article stipulates that a wife may not be granted a separate passport without her husband's consent and that persons who are legally incompetent shall not be granted separate passports without the consent of their legal representatives.

Under article 14, a passport may, at the time of issue, include the wife of the passport holder and any of his children who are under 18 years of age if they are accompanying him on his journey. At the holder's request, the name of his wife and any of his minor children under 18 years of age may also be added to a passport after it is issued.

From the above, it is evident that the Kuwaiti Nationality Act includes provisions which are consistent with article 9 of the Convention in regard to the right of women to acquire nationality and retain their nationality after marriage, their right not to be deprived of their nationality if their husband takes another nationality and other rights guaranteed by the above Act.

Article 10

Article 10 covers the right to education and calls on States Parties to take appropriate measures to eliminate discrimination against women in that connection.

Under the Constitution, education is regarded as a fundamental constituent of Kuwaiti society, as stipulated in section 2 thereof, which relates to those constituents. Article 13 provides that: "Education, being a fundamental requirement for social progress shall be guaranteed and promoted by the State."

Article 10 provides that: "The State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect."

Article 40 also guarantees to Kuwaitis the right of education, free of charge, by stipulating that: "All Kuwaitis have a right to education, which is guaranteed by the State in accordance with the law and within the limits of public order and morality. By law, primary education shall be compulsory and free and a plan to eliminate illiteracy shall be formulated. The State shall show particular concern for the physical, moral and mental development of young people."

In conformity with the provisions of the Constitution and in the light of the general principles above, a number of laws relating to the educational process have been promulgated, as follows:

a) The Compulsory Education Act No. 11 of 1965

This Act covers matters relating to compulsory education. Article 1 stipulates that education is compulsory for male and female Kuwaiti children from the beginning of the primary stage until the end of the intermediate stage. It also stipulates that the State is required to provide school premises, books, teachers and any other human or material resources which guarantee the success of education.

In accordance with the provisions of this Act, compulsory education for children starts from the age of six and remains compulsory throughout the period prescribed by the administrative rules and regulations.

The Act also imposes penalties on any parent or guardian of a child who contravenes its provisions by means of a fine of up to 10 dinars or detention of up to one week.

Pursuant to article 12, the prescribed period of study in compulsory education begins with the primary stage and continues until the end of the intermediate stage.

Under the terms of the Act, the Ministry of Education is authorized to increase or reduce the number of school years in the primary and intermediate stages.

b) The Organization of Higher Education Act No. 29 of 1966

This Act specifies the objectives and levels of higher education, as well as the principles regulating its management and funding and the rules governing admission and the award of certificates of higher education.

c) The Amiral Decree concerning the Ministry of Education, promulgated on 7 January 1979

The Decree sets forth the special tasks of the Ministry of Education, which are as follows:

- To propose the general framework for educational policies and plans;
- To attend to educational affairs and all related matters, which include determining the stages of education, developing the curricula and setting the admission policy;
- To attend to adult education affairs;
- To oversee private institutes and schools;
- To cooperate in matters of education with Arab and foreign countries and international organizations.

The Ministry of Education supervises education up to the end of the secondary stage.

d) The Literacy Act No. 4 of 1981

Under the terms of this Act, male Kuwaitis between the ages of 14 and 40 are required to join literacy programmes, as are female Kuwaitis between the ages of 14 and 35.

e) Act. No. 63 of 1987 establishing the Public Authority for Applied Education and Training

This Act stipulates that the Authority was established in order to supply and develop a national technical labour force and meet development needs.

f) Legislative Decree No. 4 of 1987 concerning public education

This Act determines the legal framework for education and affirms in article 1 the right of all Kuwaitis to be educated in government schools, free of charge, as well as the right of students to be given opportunities to further their overall spiritual, intellectual and physical development in an integrated manner.

g) Amiral Decree No. 164 of 1988 concerning the Ministry of Higher Education

Pursuant to the provisions of this Decree, the Ministry of Higher Education is responsible for the supervision of all matters relating to university-level and applied education and for the research carried out at institutes and colleges of higher education for the benefit of society and in order to meet the country's needs for specialists, technicians and experts in various fields. This Ministry undertakes a number of functions, including the following:

a) Formulation of the general framework of the policies and plans needed to develop and monitor the twin branches of university and applied education;

b) Encouragement of scientific research;

c) Supervision and implementation of plans and programmes for the training and development of human resources through the provision of opportunities for higher education;

d) Sending of students (both male and female) to universities and higher institutions abroad.

On this basis, the State has concentrated its efforts on providing women with educational opportunities in the belief that females, who make up one half of society, must be educated.

It is worth noting that the programmes of the Ministry of Education are designed to achieve the aims of education in Kuwait, which are to prioritize the right of all men and women to obtain their educational needs and to achieve equality of men and women so that both are efficient members of society. These programmes also seek to ensure that women play an effective role as productive members of society by using school curricula such as those introduced for female education in the intermediate and secondary stages of education.

The aims of education

The overall aim which the Ministry of Education, in its capacity as the basic institution responsible for education in Kuwait, is seeking to achieve through its educational endeavours can be summarized as the provision of appropriate opportunities to help individuals to achieve full and comprehensive spiritual, moral, intellectual, social and physical development to the greatest extent permitted by their aptitudes and capacities in the light of the nature, philosophy and aspirations of Kuwaiti society, the principles of the Islamic Shariah, the Arab heritage and contemporary culture in such a way as to ensure a balance between the self-fulfilment of individuals and their preparation to play a constructive participatory role in the advancement of Kuwaiti society in particular and Arab and international society in general.

Bearing in mind this overall aim, the fundamental principles governing the education system in Kuwait can be summarized as follows:

a) Education is the basic process of developing every individual member of society, on which the manifold aspects of all development plans are based. Education has become an indispensable requirement since individuals can rely on the opportunities for comprehensive and integrated development that it offers;

b) All males and females have a right to education, which the State has an obligation to provide in accordance with the provisions of its Constitution, law and legislation. The Ministry of Education, being the body responsible for ensuring the enjoyment of this right, applies the principle that education should be accessible to all;

c) Everyone's capabilities and aptitudes can be developed through education. Accordingly, in addition to the general education provided for all, the Ministry of Education makes other types of education available to categories with special needs, such as:

i) Children with special needs attending special schools at which they receive education adapted to their particular needs and abilities;

ii) Children who are slow learners requiring special educational care in which due regard is shown for their particular stage of development and their needs in order to prepare them for working life in the same way as their normal counterparts. The Ministry organizes special programmes with the help of international experts specialized in the education of such children;

iii) Autistic children, a category for whom there are special educational and training programmes to enable them to overcome the handicaps that might cause them to fail in their studies if they were left without special educational care to facilitate their integration in ordinary academic life through the special educational programmes organized by the Ministry;

iv) Talented and gifted persons who are likely to hold high-ranking posts in their future careers. The Ministry endeavours to identify gifted students at an early stage in order to offer them special supplementary programmes to develop their talents in a manner consistent with their outstanding abilities and their aspirations;

v) Illiterate adults who missed the opportunity to receive an education in their youth. The Ministry has established special centres at which they can overcome their illiteracy and continue their studies through adult education programmes.

In this way, the Ministry ensures that everyone capable of learning is given an opportunity to receive an education in accordance with his or her abilities and needs, thereby promoting the advancement of all members of society in a manner consistent with their individual needs and the aims of the social development plans.

In addition to the above, the Ministry of Education strives to achieve the following:

a) Translate into practice the aspirations to cultivate scientific modes of thought among Kuwaitis and develop the abilities of male and female students in the different stages of education;

b) Open the avenues to global culture for Kuwaiti students within the context of the scientific and technological revolution in various fields;

c) Achieve the equal distribution of educational services and activities throughout Kuwait and make constant efforts to ensure that citizens have access to science and knowledge in the places where they live;

d) Direct more attention to training the country's human resources in the fields of education and to improving the skills and enhancing the capacities of such resources.

In order to achieve these aims, the Ministry of Education formulated educational plans and policies, as well as the projects and programmes needed for their implementation and follow-up, as part of the country's development strategy and within the context of its overall policy.

Funding for education

As already stated, the Ministry of Education is the authority charged with the supervision of education in Kuwait. In addition, it is responsible for spending on

education. In 1993/94, the Ministry's total spending on public education amounted to approximately KD 366,950,000, representing 8.1 per cent of the State budget.

In 1997/98, the budget of the Ministry of Education rose to KD 366,145,000, representing 8.4 per cent of the State budget. In 1998/99, its budget amounted to KD 393,145,000.

The following table shows the growth in the budget of the Ministry of Education during the period from 1993/94 to 1998/99.

Financial years	*Ministry's budget (millions)*	*Ministry's budget as a percentage of the State budget*	*Percentage growth of the education budget*
1993/94	304.950	8.1	100
1994/95	311.765	7.6	102
1995/96	319.215	7.2	105
1996/97	329.606	7.9	108
1997/98	366.154	8.4	120

In addition to the Ministry of Education, there are also other authorities which make an outlay on education in the form of material assistance or assistance in kind, including:

- The Kuwait Institution for Scientific Progress, which contributed by establishing libraries in a number of Kuwait's schools and, in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Maternal and Child Centre;
- The National Council for the Promotion of Education, a permanent body which was established pursuant to Ministerial Ordinance No. 95/30, promulgated on 1 July 1995, in order to promote and advance education and devote attention to educational projects. The Council's budget is made up of donations received in cash and in kind from official and private bodies. This Council took on a number of projects which it then implemented in government schools, most notably the project to set up computer laboratories;
- The Endowment Fund for Scientific Development, which is part of the General Secretariat of Endowments, holds capital in the form of endowments, the income from which is earmarked for the promotion and development of education and education services in Kuwait;
- The Endowment Fund for Culture and Ideas, which is also part of the General Secretariat of Endowments, is concerned with the development and promotion of intellectual and cultural activities in Kuwait;
- The School Financial Fund, one of which is administered in every school by the school management, is allocated to spending on the school's general needs.

The organizational structure of public education

Public education in Kuwait is divided into three stages:

- The primary stage (four years);
- The intermediate stage (four years);

- The secondary stage (four years).

Preceded by the kindergarten stage, which lasts for two years, the above stages are divided with due regard for the physical and mental characteristics of pupils of different ages.

The following table shows the age of pupils and the duration of study in the different stages of education:

Stage of education	*Age group*	*Duration of study*
Kindergarten	4-5	2 years
Primary	6-9	4 years
Intermediate	10-13	4 years
Secondary	14-17	4 years
University	18-24	4 years

Education in Kuwait is compulsory for all male and female children from the beginning of the primary stage until the end of the intermediate stage. Lasting for nine years, it continues between the ages of 6 and 14. Compulsory education ends for pupils who turn 14 before they have successfully completed the primary stage and for pupils who turn 16 before they have successfully completed the intermediate stage, in which case they are permitted to continue studying until the age of 18.

In addition to public education, other types of government education are available at different levels, namely:

a) Kindergartens

Although kindergarten education is regarded as public education, it is not regarded as a stage of education. It precedes the primary stage and is intended to accustom children to the educational environment and permit them to acquire the basic skills and values that will enable them to adapt quickly to the primary stage and pursue it with success.

By the school year 1998/99, the number of kindergartens amounted to 148. Dispersed throughout Kuwait and equipped with the latest educational equipment and technologies, these kindergartens employ specialist human resources. A total of 3,073 female teachers work in these kindergartens according to the statistical data contained in the following table, which clearly illustrates the growth of kindergarten education during the period from 1994/95 to 1998/99. It also shows that the number of female pupils and female teachers is increasing:

School year	*Males*	*Females*	*Total*	*Schools*	*Classrooms*	*Teachers*
1994/95	19.289	18.799	38.088	138	1.290	2.388
1995/96	18.688	18.332	37.020	143	1.332	2.534
1996/97	18.967	18.554	37.521	145	1.356	2.697
1997/98	20.800	21.272	42.072	144	1.384	2.862
1998/99	21.914	21.556	43.470	148	1.445	3.073

b) Specific education, which includes:

i) Adult education

Consisting of the same three stages as public education, this type of education is compulsory pursuant to Act No. 4 of 1981, which is designed to eradicate illiteracy and provide the opportunity to those who missed the boat to gain access to education and play a role in the development process. The promulgation of the above Act was preceded by a number of efforts to eradicate illiteracy. These efforts were successful in largely reducing the illiteracy rate at that time, when it stood at approximately 50.5 per cent for females and 32 per cent for males. Enrolment in literacy centres had been optional and depended on the student's own wish. However, the existence of such illiteracy rates in 1981, despite all the efforts and available potential, was out of step with the aspirations and wishes of the State to keep pace with the progress being achieved in a number of areas. Promulgation of the above Act was therefore essential in order to lay down the foundations and principles for a new literacy campaign from a new comprehensive perspective. Article 1 of the Act stipulates that the eradication of illiteracy is a national responsibility aimed at providing illiterate persons with a degree of education intended to improve their cultural and social status, as a result of which they will be better able to make a contribution by furthering themselves and society and by confronting life's demands. Upon examination, this article strongly and clearly reflects the changed attitude towards the problem of eradicating illiteracy, which it does not regard solely as an educational problem for certain groups in society that is ended when tackled by the Government. Instead, it provides illiterate persons with opportunities for cultural and social development so that they grow more capable of playing an effective part in the comprehensive development plans.

Bearing in mind the circumstances of those who are illiterate, the Act undertakes to overcome the difficulties which may hamper their opportunity to catch up with their studies, primarily by deducting the period of study from official working hours when the two clash, a provision which is made in article 8. Article 20 stipulates that any employer who contravenes the provisions of article 8 shall be punished by a fine of up to 100 dinars and also requires employers to supply the Ministry of Education with the names of those of his workers are illiterate. In accordance with articles 15 to 19, successful attendance at a literacy centre is a condition for appointment as a government employee and for promotion in the case of workers. These articles also stipulate that prizes should be awarded as incentives to those who succeed with distinction, particularly women. As a complement to the comprehensive campaign to eradicate illiteracy, on 22 February 1981, an Amiral Decree was promulgated to form a Literacy Committee chaired by the Minister of Education and consisting of representatives of the relevant ministries, the private sector, grass-roots organizations and experienced national figures. Pursuant to Ordinance No. 92/1981 of the Minister of Education, this Committee gave rise to a number of other committees, namely the Information Committee, the Statistics Committee, the Technical Committee and the Health and Social Committee. Within the framework of their respective areas of specialization, each of these committees comprehensively studied Legislative Decree No. 4 of 1981 in order to have an overall view of the aims of literacy. On the basis of their studies, the Minister of Education promulgated a number of ordinances, in particular:

- Ministerial Ordinance No. 29/82 concerning the rules and dates for literacy tests;
- Ministerial Ordinance No. 20/82 concerning acceptable justifications for failure to attend literacy classes;
- Ministerial Ordinance No. 31/82, which defines an illiterate person as anyone over the age of 14 who has not attained a level of reading and writing equivalent to that achieved by the end of the fourth primary class and who is not attending primary school;
- Ministerial Ordinance No. 32/82 concerning the rules and procedures for determining the academic standard of those who can read and write but who have not obtained a certificate of literacy.

In addition, the State wished to provide this service to the greatest possible number of beneficiaries and therefore established literacy centres throughout the country, with multiple centres in high-density areas.

The following table shows the percentage of illiteracy among women during the years 1980-1995.

Percentage of illiteracy among women during the period 1980-1995

Year	*Percentage of illiteracy among women*
1980	50.5
1985	35.6
1988	28.8
1995	11.0

Enrolment in adult education centres by sex and nationality from 1994/95 to 1998/99

Year	*Sex*	*Centres*	*Classrooms*	*Kuwaiti*	*Non-Kuwaiti*	*Total*
1994/95	Male	36	171	5.091	1.300	1.391
	Female	41	215	3.829	1.463	5.292
	Total	77	386	8.920	2.763	11.683
	Male	31	166	5.381	1.495	6.876
	Female	36	211	4.456	1.888	6.344
	Total	67	377	9.837	3.383	13.220
	Male	31	169	5.152	1.342	6.544
	Female	35	218	4.365	2.202	6.567
	Total	66	387	9.517	3.594	13.111
	Male	34	174	5.614	1.545	7.159
	Female	37	243	4.999	2.519	7.518
	Total	71	408	10.613	4.064	14.677
	Male	34	159	3.856	1.022	4.878
	Female	37	227	3.892	1.950	5.842
	Total	**71**	**383**	**7.784**	**2.972**	**10.720**

b) Parallel education

This type of education aims to provide the learner with the practical skills and abilities needed in the occupation for which he is being trained. It admits students over 14 years of age who were unsuccessful in schools offering a public education or who wish to pursue this type of education. The period of study is four years and includes cultural, technical and practical studies, at the end of which the successful student obtains a vocational training diploma.

c) Religious education

Religious institutes are among the educational establishments which help to achieve the educational aims for the individual and society. Those aims are based on providing the younger generations with an Islamic education through which they come to know, understand and apply their religion. This education comprises two stages, namely intermediate and secondary. The following table shows the development of religious education during the period from 1994/95 to 1998/99.

Development of religious education during the period from 1994/95 to 1998/99

	Students		
School year	*Male*	*Female*	*Total*
1994/95	878	457	**1.335**
1995/96	1.411	564	**1.975**
1996/97	1.520	702	**2.222**
1997/98	1.422	792	**2.214**
1998/99	1.662	834	**2.496**

d) Schools offering special education

This type of government education admits categories with special needs who suffer from various kinds of disability. Special education caters to four main disabilities, as follows:

i) Visual disability, the schools for which are known as the Nur schools;

ii) Motor disability, the schools for which are known as the Raja' schools;

iii) Auditory disability, the schools for which are known as the Amal schools;

iv) Mental disability, which is divided into two categories: the category of those who are capable of education, the schools for which are known as the Ideological Schools, and the category of those who are capable of training, the schools for which are known as the Wafa' schools.

Development of special education during the period from 1994/95 to 1998/99

School years	*Males*	*Females*	*Total*	*Schools*	*Classrooms*	*Teachers*
1994/95	862	726	1.588	30	196	484
1995/96	871	756	1.627	30	187	471
1996/97	943	813	1.756	32	197	517
1997/98	989	862	1.851	32	207	575
1998/99	1.038	895	1.933	29	207	776

e) Private education (private schools)

Kuwait has always aimed to provide the opportunity of education to all citizens and residents on its territory in view of the enormous impact which this has on social and economic development and in order to satisfy a fundamental human right, which is none other than the right to education. The private Arab and foreign education sectors therefore emerged to cater to the children of citizens wishing to attend private schools and also provide that opportunity to a greater number of the children of immigrants who are unable to gain admission to government schools owing to lack of room. This sector has achieved growth in the last few years, as illustrated by the following table of growth indicators in the private education sector during the period from 1990/91 to 1998/99.

Year	*Schools*	*Classrooms*	*Male*	*Female*	*Total*
1990/91	172	1.836	35.686	29.721	**65.407**
1991/92	206	1.956	40.652	34.172	**74.784**
1992/93	240	2.328	43.494	37.856	**81.350**
1993/94	251	3.076	52.384	45.683	**98.067**
1994/95	258	3.427	55.959	48.982	**104.941**
1995/96	275	3.692	60.866	52.991	**113.857**
1996/97	291	3.779	62.326	54.143	**116.469**
1997/98	321	3.9604.093	64.559	56.023	**120.582**
1998/99	322		65.719	56.550	**122.269**

In addition, private schools are subject to supervision by the Ministry of Education, which established a Department of Private Education pursuant to Ministerial Ordinance No. 322, promulgated on 1 September 1973. There are two types of school in this sector:

- Arab schools, which are required to follow the curricula of the Ministry of Education;
- Foreign schools established to provide opportunities to children from the resident foreign communities in Kuwait in accordance with their own educational systems, which are not followed in the government schools. These schools are subject to supervision by the Ministry of Education.

The rates of female admission to public education have increased, as shown by the following tables.

Growth of gender percentages in public education in Kuwait from 1936/37 to 1998/99

School years	*Total student numbers*	*Total female numbers*	*Percentage of females*	*Percentage growth in female numbers*
1936/37	600	-	19.9	-
1940/41	2.012	400	22.6	-
1945/46	3.635	820	27.9	105
1950/51	6.352	1.772	35.9	116.1
1955/56	18.472	6.629	39.8	274.1
1960/61	43.537	17.326	42.4	161.4
1965/66	88.815	37.637	43.6	117.2
1970/71	133.306	58.083	45.9	54.3
1975/76	196.426	90.169	46.9	55.2
1980/81	295.445	138.551	48.3	53.7
1985/86	357.169	172.459	-	24.5
1990/91		Year of the Iraqi invasion		
1995/96	280.709	140.979	50.2	-
1996/97	288.755	145.069	50.2	2.9
1997/98	296.526	149.247	50.3	2.9
1998/99	304.481	153.698	50.5	3.0

Number of females by type of education during the school year 1996/97

Type of education	*Number of females*	*Percentage*
Public education	145.069	70
Private education	54.143	26.1
Special education	813	0.4
Religious education and scholarship students	702	0.3
Adult education and literacy	6.567	3.2
Total	**207.294**	**100**

Number of females by type of education in the school year 1998/99

Type of education	*Females*
Public education	175.612
Private education	56.753
Special education	895
Religious education and scholarships	834
Adult education and literacy	6.983

The role of Kuwaiti women in education

Women play a leading role of ground-breaking proportions in Kuwaiti society. Assured of employment opportunities in the education sector, some work as teachers and administrators, while others gradually progress to the post of under-secretary of State.

The statistical data indicate the overall growth in the numbers of Kuwaiti women working as teachers. In 1974/75, for example, the number stood at 7,223, rising to 11,515 in 1979/80, 15,231 in 1985/86, 15,462 in 1995/96, 16,574 in 1996/97 and 16,712 in 1997/98. In April 2000, the proportion of women teachers stood at 95.3 per cent in kindergartens, 92.4 per cent in the primary stage, 82.7 per cent in the intermediate stage and 61.7 per cent in the secondary stage.

Higher education

In Kuwait, higher education plays an important role in economic development and in contributing to the promotion of ideas, the progress of science, the development of human values and the country's supply of specialists, technicians and experts in all fields. Higher education in Kuwait is mainly provided by:

- The Ministry of Higher Education, which, in the context of its involvement in university-level education, arranges foreign exchanges for degree and post-graduate students;

- Kuwait University, the beginnings of which were laid in October 1996 with a budget of KD 1,334,623. When it first opened, it had 418 students and 31 members of the teaching faculty. As a result of the efforts made, it grew steadily in size so that, by 1996/97, it had 19,546 students and 920 members of the teaching faculty. Its graduates receive a university bachelor's degree and it has various scientific and theoretical faculties, some of which offer post-graduate master's and doctoral programmes.

The University aims to achieve the following:

- Train and develop human resources;

- Follow-up scientific progress and further such progress through scientific research;

- Serve society and propagate ideas and the use of scientific modes of thought to resolve problems;

- Develop scientific research in the various branches of science, art and literature.

The teaching faculty

Owing to the efforts made, the University grew steadily in size so that, by 1996/97, it had 19,456 students and 920 teaching staff members. Its graduates receive a university bachelor's degree and it has various scientific and theoretical faculties, some of which offer post-graduate master's and doctoral programmes.

Table 1. Numbers of students enrolled during the academic year 1996/97

Actual number

	First class							*Second class*						
	Kuwaiti			*Non-Kuwaiti*			*Overall*	*Kuwaiti*			*Non-Kuwaiti*			*Overall*
Faculty	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*	*total*	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*	*total*
Commerce	9.611	1.170	2.131	95	58	153	2.284	822	975	1.797	84	55	139	1.936
Law	562	599	1.161	23	34	57	1.218	505	573	1.075	17	31	48	1.126
Humanities	689	2.534	3.223	107	171	278	3.501	621	2.281	2.902	105	152	257	3.159
Science	666	1.992	2.658	152	240	392	3.050	589	1.810	2.399	148	262	410	2.809
Medicine	230	275	505	9	8	17	522	239	289	528	8	9	17	545
Engineering	1.442	1.024	2.466	135	51	186	2.652	1.310	959	2.269	116	51	167	2.436
Medical Science	61	320	381	39	97	136	517	53	299	352	28	80	108	460
Education	502	2.637	3.139	117	303	420	3.559	487	2.383	2.870	109	299	408	3.278
Islamic Law	545	846	1.391	60	76	136	1.527	538	777	1.315	71	76	147	1.462
Administrative Science	178	402	580	21	25	46	626	213	427	640	26	26	52	692
Total	**5.836**	**11.799**	**17.635**	**758**	**1.063**	**1.821**	**19.456**	**5.377**	**10.773**	**16.150**	**712**	**1.041**	**1.753**	**17.903**

Table 2. Number of teaching faculty members during the academic year 1996/97

Actual number

	First class							*Second class*						
	Kuwaiti			*Non-Kuwait*			*Overall*	*Kuwaiti*			*Non-Kuwaiti*			*Overall*
Faculty	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*	*total*	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*	*total*
Law	25	1	26	17	1	18	44	26	1	27	17	1	18	45
Humanities	67	35	102	45	2	50	152	67	35	102	44	4	48	150
Science	14	31	72	107	3	110	182	41	33	74	110	3	113	187
Medicine	26	7	33	87	12	99	132	35	7	42	86	16	102	144
Engineering	62	2	64	72	0	72	136	63	3	66	72	0	72	138
Medical Science	1	0	1	13	3	16	17	1	0	1	13	3	16	17
Education	41	19	60	17	2	19	79	41	19	60	17	2	19	79
Islamic Law	12	0	12	33	2	35	47	13	0	13	33	2	35	48
Administrative Science	62	9	71	34	1	35	106	62	9	71	34	1	35	106
Pharmacology	0	0	0	1	0	1	1	0	0	0	1	0	1	1
Dentistry	0	0	0	1	0	1	1	0	0	0	1	0	1	1
Language Centre	0	0	0	1	0	1	1	0	0	0	1	0	1	1
Higher Studies	1	1	2	1	0	1	3	1	1	2	1	0	1	3
Total	**338**	**105**	**443**	**429**	**29**	**458**	**901**	**350**	**108**	**458**	**430**	**32**	**462**	**920**

Table 3. Growth in number of student admissions to Kuwait University during the period from 1992/93 to 1996/97

		Year														
		1992/93			1993/94			1994/95			1995/96			1996/97		
Faculty	Sex	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total
	Male	562	38	600	355	56	411	396	41	437	72	2	74	75	1	76
	Female	603	32	635	364	29	393	406	33	439	106	1	107	87	0	86
Commerce	Total	1.165	70	1.235	719	85	804	802	74	876	168	3	181	162	1	163
	Male	151	2	153	96	8	104	146	6	152	140	3	143	123	8	131
	Female	136	5	141	86	7	93	87	7	94	156	8	164	149	9	158
Law	Total	287	7	294	182	15	197	233	13	246	296	11	307	272	17	289
	Male	198	17	215	134	27	161	122	27	149	187	24	211	166	26	192
	Female	732	56	788	527	54	572	542	28	570	535	40	575	516	38	554
Humanities	Total	930	37	1.003	616	72	733	664	55	719	722	64	786	682	64	746
	Male	252	40	292	157	40	197	214	56	270	183	42	225	197	45	242
	Female	350	74	424	371	54	425	394	44	438	423	70	493	487	88	575
Science	Total	602	114	716	528	94	622	608	100	708	606	112	718	684	133	817
	Male	37	1	38	36	0	36	37	4	41	42	0	42	38	2	40
	Female	41	2	43	40	0	40	39	1	40	40	3	43	56	1	57
Medicine	Total	78	3	81	76	0	76	76	5	81	82	3	85	94	3	97
	Male	426	69	495	324	74	398	336	15	351	326	22	348	362	22	384
	Female	256	18	274	186	18	204	169	10	179	204	7	211	185	12	197
Engineering	Total	682	87	769	510	92	602	505	25	530	530	29	559	547	34	581
	Male	10	6	16	5	4	9	15	24	39	8	13	21	27	8	35
Auxiliary Medical	Female	64	14	78	51	11	62	55	37	92	68	20	88	92	27	119
Science	Total	74	20	94	56	15	71	70	61	131	76	33	109	119	35	154
	Male	175	33	208	96	43	139	132	20	152	152	22	174	139	32	171
	Female	668	67	735	451	72	523	565	90	655	737	70	807	567	67	634
Education	Total	843	100	943	547	115	662	697	110	807	889	92	981	706	99	805
	Male	117	10	127	96	14	110	39	12	105	172	18	190	146	19	165
	Female	232	20	252	155	16	171	173	17	190	231	16	247	163	16	179
Islamic Law	Total	349	30	379	251	30	281	266	29	295	403	34	437	309	35	344
	Male	1	0	1	0	0	0	1	0	1	103	11	114	106	14	120
Administrative	Female	0	0	0	0	1	1	1	0	1	198	8	206	201	20	221
Science	Total	1	0	1	0	1	1	2	0	2	301	19	320	307	34	341
	Male	1.929	216	2.145	1.299	266	1.565	1.492	205	1.697	1.385	157	1.542	1.379	177	1.556
	Female	3.082	288	3.370	2.231	253	2.484	2.431	267	2.698	2.698	245	2.941	2.503	278	2.781
Total	Total	**5.011**	**504**	**5.515**	**3.530**	**519**	**4.049**	**3.923**	**272**	**4.395**	**4.083**	**400**	**4.483**	**3.882**	**455**	**4.337**

Table 4: Growth in number of graduates from Kuwait University during the period from 1992/93 to 1996/97

		Year														
		1992/93			1993/94			1994/95			1995/96			1996/97		
Faculty	Sex	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total	Kuwaiti	Non-Kuwaiti	Total
	Male	100	11	111	107	14	121	165	10	175	266	20	286	240	30	270
	Female	188	24	212	216	20	236	297	20	317	398	20	418	331	14	345
Commerce	Total	288	35	323	323	34	357	462	30	492	664	40	704	571	44	615
	Male	76	2	78	58	5	63	56	2	58	71	0	71	75	3	78
	Female	52	8	60	73	3	76	40	2	42	67	1	68	65	5	70
Law	Total	128	10	138	131	8	139	96	4	100	138	1	139	140	8	148
	Male	36	7	43	30	5	35	24	2	26	65	6	71	106	13	119
	Female	158	16	201	232	10	242	294	13	307	403	23	426	471	35	506
Humanities	Total	221	23	244	262	15	277	318	15	333	468	29	497	577	48	625
	Male	33	17	50	44	10	54	32	11	43	28	11	39	35	17	52
	Female	178	32	210	150	22	172	171	13	184	197	25	222	180	23	203
Science	Total	211	49	260	194	32	226	203	24	227	225	36	261	215	40	255
	Male	20	0	20	26	3	29	25	0	25	25	0	25	50	1	51
	Female	25	1	26	20	2	22	20	2	22	25	1	26	52	2	54
Medicine	Total	45	1	46	46	5	51	45	2	47	50	1	51	102	3	105
	Male	52	27	79	43	10	93	73	17	90	94	19	113	118	11	129
	Female	54	12	66	69	8	77	93	6	99	137	4	141	126	8	134
Engineering	Total	106	39	145	152	170	166	23	189	231	23	254	244	19	263	263
	Male	1	4	5	4	8	12	3	2	5	1	3	4	2	3	5
Auxiliary Medical	Female	23	9	42	30	6	36	24	6	30	32	5	37	38	9	47
Science	Total	24	13	47	34	14	48	27	8	35	33	8	41	40	12	52
	Male	44	7	51	26	8	34	26	12	68	77	22	99	82	27	109
	Female	391	40	431	336	22	358	454	20	474	571	36	607	509	55	564
Education	Total	435	47	482	362	30	392	510	32	542	648	85	607	591	82	673
	Male	5	4	9	18	3	21	29	4	33	47	2	49	81	4	85
	Female	37	10	47	25	4	29	64	6	70	119	3	122	154	14	168
Islamic Law	Total	42	14	56	43	7	50	93	10	103	166	5	171	235	18	253
	Male	367	79	446	396	66	462	463	60	523	674	83	757	789	109	898
	Female	1.143	152	1.295	1.151	97	1.248	1.457	88	1.545	1.949	118	2.067	1.926	165	2.091
Total	Total	**1.510**	**231**	**1.741**	**1.547**	**163**	**1.710**	**1.920**	**148**	**2.068**	**2.623**	**201**	**2.824**	**2.715**	**274**	**2.989**

The Public Authority for Applied Education

This Authority was established pursuant to Act No. 63 of 1982 in order to supply and develop the national labour force with a view to filling the gaps in numbers of technical personnel and meeting the country's development needs. It has an applied education division and a training division and runs two-year

scientific and vocational courses at the post-secondary level and a four-year course of study at the College of Basic Education, leading to a bachelor's degree in education. The Authority plays a part in increasing the participation of Kuwaiti women in the national labour force, as follows:

a) It prepares, plans and implements short- and long-term projects for the advancement of Kuwaiti women;

b) It provides opportunities for Kuwaiti women to enter the vocational sectors, where men occupy the majority of positions, by encouraging them to choose practical specializations which match to their preferences and aptitudes;

c) It offers technical specializations in the field of medical auxiliary services in which it is easier for women to combine their working and domestic lives;

d) It offers specializations and programmes suited to the function played by women in contributing to the country's development activities.

Article 11

Article 41 of the Kuwaiti Constitution stipulates that: "Every Kuwaiti has the right to work and to choose the type of his work. Work is a duty incumbent on every citizen and is necessitated by his personal dignity and the public interest. The State shall endeavour to make work available on equitable terms."

Article 42 further stipulates that: "No one shall be required to perform forced labour except in the circumstances provided for by law in a national emergency and in return for fair remuneration."

Article 26 stipulates that: "Public office is a national service entrusted to those who hold it. Public officials shall perform their duties with a view to the public interest."

Article 8 stipulates that: "The State shall guarantee equal opportunities for its citizens...", while article 11 stipulates that: "The State undertakes to aid citizens in the event of, sickness or incapacity to work through the provision of social security, social assistance and health-care services."

Article 9 stipulates that: "The family, being based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework."

From the above, it is evident that the Kuwaiti Constitution guarantees the right to work, free choice of work and equal employment opportunities. All citizens, moreover, have the right to hold public office. It is noteworthy that these rights are equally guaranteed by the Kuwaiti Constitution to all men and women.

On the basis of the above constitutional principles, the State has promulgated a number of laws with the aim of regulating matters relating to employment and the assumption of public office. Accordingly, they contain provisions which protect working women and guarantee their equality with men performing the same work. They also include provisions which guarantee to women the ability to reconcile their work with their family obligations.

It should be mentioned that employment in Kuwait is divided into two main sectors, namely the government sector and the private sector. Each sector is regulated by a separate law catering for the rights and obligations of its workers. These laws are as follows:

a) The Private Sector Employment Act No. 38 of 1964

This Act regulates employment in the private sector and comprises a number of provisions designed by the legislature to provide legal protection for the workers subject to the Act. Covering employment contracts, remuneration, leave, compensation and end-of-service indemnities, these provisions were drafted to protect workers and guarantee stable relations with employers. They are all general provisions which make no distinction on grounds of sex. In addition, this Act guarantees the employer's rights vis-à-vis his workers in regard to any measures which he adopts to ensure maximum production and order in the workplace.

Article 1 of the Act contains a definition of workers and employers. For the purpose of the Act, the word "worker" means any male or female worker or servant who performs physical or mental work in return for remuneration under the supervision or on the order of an employer. The word "employer" means any individual or body corporate who adopts the work in which he engages as a trade or profession and employs workers in return for remuneration.

Section 6 of the Act is devoted to matters relating to the employment of women and contains provisions in the interest of working women. The legislature has taken care to ensure that the provisions in this section are suited to the environment, the traditions and the prevailing customs. In order to provide greater care and protection for working women, it guarantees ways and means of helping them to reconcile their responsibilities at work and at home. One method of protection provided by this Act is that it prohibits the employment of women at night under article 23. Exceptions to this rule are private businesses and other institutions in which employment is regulated by ordinance of the Ministry of Social Affairs and Labour. These institutions are specified in Ministerial Ordinance No. 58 of 1985, as follows:

- Pharmacies;
- Hotels;
- Children's foster homes and homes for the disabled;
- Theatres;
- Fun City;
- Airline and tourist offices.

This Act also permits women to be employed until midnight in the following places:

- Cooperative societies and associations of public benefit;
- Medical clinics;
- Commercial banks, companies and shops;
- Restaurants.

Article 24 prohibits the employment of women in hazardous industries and occupations which are detrimental to health and in respect of which an ordinance has been promulgated by the Ministry of Social Affairs and Labour.

Article 25 grants pregnant women the right to take maximum leave of 30 days before confinement and 40 days thereafter, with full pay.

Article 27 provides for the equal remuneration of men and women by stipulating that working women shall receive remuneration comparable to that received by men performing the same job, while article 56 concerning end-of-service indemnities stipulates that, in all circumstances, working women shall, on the occasion of their marriage, have the right to claim full payment for their service if they leave work within six months of the marriage. The article guarantees this right to women alone.

b) Legislative Decree No. 15 of 1979 concerning the civil service and the Special Ordinance concerning the Civil Service Statutes

The State devotes particular attention to the civil services performed by the administrative apparatus in Kuwait, sparing no effort to modernize and enhance the efficiency of that apparatus so that it can keep pace with the progress constantly under way in the various areas of the civil service that are essential to citizens.

In the light of the administrative experience and the practical application of the laws in force since the early 1960s, the view taken was that the civil service should be regulated by a law comprising basic principles and overall provisions of a set nature. The more detailed rules and procedures which need the flexibility of amendment whenever circumstances so require, however, are promulgated by ordinance, as stipulated in article 1 of Act No. 15.

The provisions of the Civil Service Act No. 15 are general and make no distinction as to sex, the Kuwaiti legislature having been careful to apply the principle of equal employment, without discrimination as to sex, religion or origin, even though some provisions are in the interest of female civil servants.

For the purpose of the Act, the term "civil servant" means: "Any person holding a civil service position in a government body, whatever the nature of his work or his job title." In accordance with the Act, the term "government body" means: "Any ministry, department or administrative unit whose budget is part of or subsidiary to the overall State budget." Article 4 provides for the establishment of a civil service commission with the mandate, inter alia, to modernize the general administration, develop the Civil Service Statutes and enhance the efficiency of those employed in government agencies.

Articles 11-17 define public office, divide it into groups and set forth the method by which it is assumed. Article 11 lays down the true concept of public office, which, under the Constitution, is a national duty entrusted to those who hold it. Article 12 divides public office into four main groups and article 16 establishes specific criteria for determining appointment levels and the salary payable, which varies according to the type of office, qualifications and any unusual or practical experience. Articles 18-26 are devoted to the rights and obligations of employees and include provisions relating to salary, allowances and periodic study leave. The provisions of articles 27-31cover discipline-related matters.

As for the Special Ordinance concerning the Civil Service Statutes, its provisions deal in some detail with matters relating to government appointments, allowances, promotions, transfer, delegation, secondment, discipline and end of service.

By means of the above laws, the State has thus endeavoured to put in place the right conditions to encourage Kuwaiti women to work in different areas and activities in a way that does not conflict with their main role in the eyes of society as mothers and carers of the young. By applying those laws, the policies of the State in this regard are based on the following:

- Any woman working in the government sector is granted special maternity leave with full pay for a period of two months, with no limit on the number of times it is repeated during her working life, in accordance with article 47 of the Special Ordinance on the Civil Service Statutes, which stipulates that: "Female civil servants shall be entitled to special maternity leave on full pay for a period of two months, non-deductible from their other periods of leave provided that they give birth during the said period."

- Any woman may be granted special leave with half pay for a period of four months following her maternity leave (Civil Service Commission Ordinance No. 1 of 1993). This type of leave, however, is not obligatory, as it is granted or refused at the discretion of the employer;

- Any woman is granted childcare leave with full pay if she has a sick child in hospital whose condition necessitates her presence (Civil Service Commission Ordinance No. 1 of 1993);

- Any female civil servant who takes precedence as either the mother or wife of a captive or missing person is granted family-care leave with full pay for a period of one full year, which may be extended, or for 15 days following the return of the captive or missing person (Civil Service Commission Ordinance No. 1 of 1993);

- Any female civil servant is granted leave without pay in the two following instances:

a) When accompanying her civil servant husband abroad, in accordance with article 49, which specifies the conditions in which such leave may be granted to a female civil servant by stipulating that: "The Minister may grant a female civil servant special leave without pay in order that she may accompany her civil servant husband abroad if he is transferred or sent on scientific exchange, study leave, official mission or secondment;"

b) When granted special family-care leave without pay in accordance with Civil Service Commission Ordinance No. 13 of 1979, dated 29 August 1979, which specifies the rules and regulations concerning such leave and stipulates in article 1 that: "By ordinance of the Minister, any female civil servant who is married, widowed or divorced with children may take special leave of between six months and four years for the purposes of family care, maternity or childcare." This Ordinance was amended pursuant to Ordinance No. 10 of 1981, promulgated on 17 December 1981, in accordance with which any female civil servant is permitted to take special leave without pay for a period of between six months and four years if she is a married Kuwaiti, a non-Kuwaiti married to a Kuwaiti, or a Kuwaiti or non-Kuwaiti widow or divorcee with children. By means of this amendment, the Kuwaiti legislature has endeavoured to extend the provision under which special leave may be granted to include other new categories in addition to those included under Ordinance No. 13 of 1979;

- Any female civil servant who is a Muslim and whose husband dies is granted special leave with full pay for a period of one month and 10 days from the date of his death (article 48);

- Any pregnant woman working in the government sector is granted leave with full pay before and after confinement, in accordance with article 25 of Act No. 38 of 1964, pursuant to which a pregnant worker is entitled to take leave with full pay up to a maximum of 30 days before confinement and 40 days thereafter, following which she may remain absent from work without pay for a maximum period of 100 consecutive or non-consecutive days owing to sickness which is medically certified as being due to pregnancy or childbirth;

- In all cases, any female civil servant married to a person who is not a civil servant in any government body is granted the single-person allowance and excluded from the married category if she has been receiving social allowance since before 1 July 1979;

- Any female civil servant is granted social allowance for her children if their father dies or is incapable of working or earning a living, provided that she receives no pay or assistance from the Public Treasury, or if she is supporting her children and in receipt of no maintenance from the person who is liable for their maintenance (Civil Service Commission Ordinance No. 1 of 1979) (see annex).

Participation of women in the labour force

Data indicate that, at 30 June 1999, the rate of female participation in the labour force stood at 31.2 per cent, a figure which to 36 per cent in 2001.

The rates of participation in economic activity by gender and age group at 30 June 1999 provide specific indicators of the pattern of female participation in the labour force. The percentage was low among the 15-19 age group and rose to its highest among the 35-39 age group, among whom the rate of participation stood at 69.77 per cent. The following table shows these rates, as follows:

Age group	*Population*	*Labour force*	*Rates of participation*
15-19	72.420	387	0.53
20-24	79.938	26.160	32.73
25-29	98.463	60.594	61.54
30-34	100.781	68.650	68.12
35-39	86.527	60.374	69.77
40-44	61.912	40.309	65.11
45-49	37.571	20.297	53.99
50-54	23.300	8.616	36.98
55-59	14.754	3.094	2.097
60-64	10.182	1.289	12.66
65 and over	14.548	795	5.46

As for the provision of article 11, paragraph 1 (e), of the Convention concerning the right of women to social security, particularly in cases of retirement,

sickness, invalidity and old age and other incapacity to work, it is worth mentioning that Kuwait applies the social security system, which is regarded as an important element of social and economic stability. This is also affirmed by the Kuwaiti Constitution, article 11 of which stipulates that: "The State undertakes to aid citizens in the event of, sickness or incapacity to work through the provision of social security, social assistance and health-care services". The State therefore promulgated the following legislative enactments in order to implement this constitutional provision:

- Amiral Decree No. 61 of 2 September 1976 promulgating the Social Insurance Act, which includes within its framework all Kuwaitis working in any of the employment sectors in Kuwait. This Act is characterized by its comprehensive applicability and the wide range of risks against which it provides protection. In addition to life insurance and old-age pensions, its provisions also cover sickness and invalidity, as well as some categories of Kuwaitis who do not work for an employer (employers, self-employed, persons working in liberal professions, members of the National Assembly or municipal councils and district mayors and categories permitted to benefit from its provisions) and who are given the opportunity to join the security scheme on a voluntary basis. It also specifies the rules concerning contributions and claimants.

One of the basic principles of the Kuwaiti social security system is that of the equality of all categories of citizens. Accordingly, there is no distinction on grounds of sex, although due consideration is given to cases requiring special care, such as women.

Under the terms of this Act, the State established the General Organization for Social Insurance, which assumes responsibility for the application of the Act.

The categories to which the above-mentioned Act applies are:

- Kuwaitis working for an employer and members of the National Assembly, in which connection any person under a training contract which requires the employer to employ him or the trainee to work for the employer if he successfully completes the training period is deemed to be a worker and his insurance is compulsory (article 334 of the Social Insurance Act);

- The insured Kuwaitis referred to in article 53 of the Act.

"Employer", as defined in the Act, means any individual or body corporate employing workers and engaged in a trade or profession, as well as governmental agencies, bodies and organizations, regardless of whether their budgets are independent or subsidiary to the State budget, and other public authorities.

For the purpose of the Act, the word "Kuwaitis", mentioned above, includes both men and women.

As for entitlement to pensions for old age, invalidity, sickness and death, workers in the government, private and petroleum sectors are entitled to retirement pension in the following cases:

- If the insured person reaches the age of 65 in the case of men, 15 in the case of married women and 25 in the case of unmarried women;

- If the insured person dies or is fully incapacitated;

- If the service of the insured person is terminated for reasons of health that would endanger his life if he continued working;

- If the service of an insured woman who is married, widowed or divorced with children is terminated for reasons other than the above and if she has been contributing to the insurance scheme for a period of 15 years, in which case her pension is not subject to the reduction prescribed under article 20 of the Act, which stipulates that the retirement pension shall be reduced in the event of resignation;

- If the service of an insured person engaged in harmful, strenuous or hazardous work is terminated.

One example of the humaneness of the Act is the provision of article 25, which stipulates that an insured person whose service is terminated and who is not entitled to a retirement pension is entitled to pension compensation, which is disbursed in accordance with the terms and conditions announced by ordinance of the competent minister.

In addition to benefiting from the provisions of this Act, women also benefit insofar as they are among those entitled to claim the benefits of an insured person or pension holder, specified in article 63 as:

- His brothers and sisters;
- His spouse or widow;
- His children;
- His parents;
- His grandchildren

Article 73 stipulates that if any daughter, sister or mother of an insured person or pension holder is divorced or widowed for the first time or if his son or brother is unable to earn a livelihood following his death, they shall each receive the share of his pension to which they are entitled.

Social services (Article 11, paragraph 2 (c), of the Convention)

In regard to the social services referred to in this paragraph, the State wished to facilitate women's employment and provide suitable conditions for that purpose. It was also keen to enable women to combine family obligations with work responsibilities and participation in public life. It therefore sought to encourage women's associations and cooperative societies to establish nurseries offering appropriate programmes for the children of working mothers. Nurseries are an important means of helping working mothers to ensure that their children can spend their days in the safe and secure care of qualified supervisors who help to develop the abilities of the children in their care and prepare them both mentally and socially for the kindergarten stage. Nurseries are subject to supervision by the Ministry of Social Affairs and Labour, which conducts periodic inspections to monitor their compliance with the rules and regulations applicable to such establishments.

Training

The State is responsible for training, trade apprenticeship and vocational training through parallel education, the aim of which is to create a national labour

force. This type of education relies on the processes of training and instruction, which work hand in hand to create a qualified and trained national labour base.

Parallel education differs from technical education in that it offers technical and vocational education through practical, technical and theoretical training programmes that are specially designed to focus on the practical skills and abilities which students need to acquire. It also gives students the opportunity to acquire other types of knowledge and information. The course of study lasts for four years, during which students receive an annual financial grant. This type of education is available to both males and females.

Through specialist departments employing experts in training and development, the State also endeavours to organize regular programmes and courses for those working in government institutions, as well as courses and programmes specifically designed to interest Kuwaiti women in working in occupations suited to the female nature, such as nursing, which are suffering as a result of low uptake by Kuwaiti women. These programmes and courses have been of tremendous help in increasing women's contribution to the labour force.

As for the rights covered under article 11, paragraphs 1 (d) and (f), of the Convention, Kuwait endeavours to accord to working women remuneration commensurate with that received by men performing the same work. This is in accordance with the constitutional principle, referred to earlier, which stipulates that people are equal in regard to human dignity and are also equal before the law in regard to their rights and obligations, without distinction on grounds of sex, origin, language or religion.

With regard to workers in the government sector, it is the Civil Service Commission which determines the grade of appointment and salary payable, bearing in mind the type and level of the position, the type of qualification, experience or training, particularly if it is unusual, and the number of years of study.

In addition to remuneration, an employee may be granted an incentive bonus by ordinance of the competent minister in accordance with the conditions prescribed by law. The following tables show the grades and monthly salaries of employees in government agencies and the social benefits which they are granted.

As for the Private Sector Employment Act, article 27 thereof stipulates that working women must receive remuneration commensurate with that received by men performing the same work. The legislature has therefore been careful to give an unambiguous and clear-cut definition of a worker's remuneration, since wage protection is a fundamental principle of any labour legislation which aims to establish normal relations between employers and workers.

In accordance with article 28 of this Act, "remuneration" means any basic remuneration received by a worker, as well as any regular allowances, bonuses, commission, grants or gifts.

The legislature has endeavoured to protect wages and safeguard against their erosion by laying down explicit provisions to that end which stipulate that no more than 25 per cent of the amount of remuneration due to a worker may be distrained or deducted, nor more than 10 per cent severed, in settlement of debts or loans owed to the employer.

As for the right to protection of health and to safety in working conditions, the law safeguards the right of workers to work in safe and fair conditions. Section 9 of the Labour Act, for example, contains provisions which stipulate the obligations of employers towards their workers in regard to ensuring their protection and all matters relating to housing, drinking water, food supply and transport for those working outside urban areas.

Employers are also required to give their workers a medical examination after they take up employment and to provide them with medical care. Compliance with the health and safety regulations is also checked by safety inspectors from the Labour Inspection Department at the Ministry of Social Affairs and Labour, who derive their powers from the provisions of the above-mentioned Labour Act. More specifically, under the terms of article 95, employees of the Ministry are accorded the right to carry out inspections in industry and monitor compliance with the Act and its implementing decisions and regulations.

With regard to equal promotion opportunities for all, promotions are awarded only on the basis of efficiency and without distinction. All government and private bodies have an administrative authority which is responsible for implementing the personnel policy and applying the rules and regulations prescribed by law. These authorities are also required to apply the principles and criteria laid down by the Civil Service Bureau in connection with appointment, promotion, termination of service and other matters relating to public office.

It is worth noting that the above legal principles are applied to men and women alike, without distinction.

In addition to the above, in its desire to provide greater protection for workers and safeguard their rights, Kuwait has ratified 15 international labour conventions of the International Labour Organization, including:

- The Convention concerning Hours of Work;
- The Convention concerning Discrimination in Respect of Employment and Occupation (Convention No. 111);
- The Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-Eight in the Week (Convention No. 1);
- The Convention concerning Night Work of Women Employed in Industry (Convention No. 89);
- The Convention concerning Labour Inspection in Industry and Commerce (Convention No. 81);
- The Convention concerning Annual Holidays with Pay (Convention No. 52);
- The Convention concerning Basic Aims and Standards of Social Policy (Convention No. 117);
- The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182).

Kuwait is also currently in the process of ratifying the 1951 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100).

Pursuant to article 70 of the Kuwaiti Constitution, these conventions have the status of national laws and are equally binding.

Article 12

This article calls on States Parties to take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those relating to family planning.

Kuwaiti women receive special health care through the sophisticated maternity and child health services provided by the State, whether in government-run hospitals or in the health centres located throughout the country.

Health care is one of the services guaranteed by the Constitution to every individual of society in Kuwait and is listed as a fundamental constituent of Kuwaiti society. This right is covered in article 15 of the Constitution, which stipulates that: "The State shall concern itself with public health and ways to prevent and treat diseases and epidemics".

Article 9 stipulates that: "The family, being based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework".

Article 10 stipulates that: "The State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect."

Article 11 further stipulates that: "The State undertakes to aid citizens in the event of, sickness or incapacity to work through the provision of social security, social assistance and health care services".

It is worth mentioning that the public health laws are aimed at all citizens and guarantee to everyone the right of access to such services, without discrimination or distinction as to sex, language, origin or religion, in addition to which women enjoy outstanding health services in connection with pregnancy, childbirth and childcare.

Kuwait's Ministry of Health is the authority entrusted with the responsibility of attending to the country's health environment and the health care of its citizens. The health policies have focused on providing the overall health requirements of the population and seeking to expand and complement the various types of preventive, therapeutic and rehabilitation services available. They also seek to achieve the fair country-wide distribution of health services for all inhabitants, citizens and residents, without discrimination.

The health policies in Kuwait are based on a set of principles which can be articulated as follows:

- Every individual has right of access to health services which enable him to be a productive individual from the social and economic standpoints;
- Health services must be easily accessible to everyone, without discrimination or distinction as to sex or nationality;
- The provision of health services must be focused on the most vulnerable groups in society, such as the disabled, mothers and the aged;

- Health services must include health awareness-raising and education, as well as maternity and child services, inoculation against communicable diseases and antenatal care.

Women's health care

Through the Ministry of Health, the State provides health services for women as individual members of society, as follows:

a) Kuwaiti women receive comprehensive preventive, educational and therapeutic health care, free of charge;

b) Antenatal care is provided through maternal and child centres, maternity hospitals and the maternity wards of health district hospitals;

c) The essential childhood inoculations, such as those against poliomyelitis, tuberculosis, measles, other contagious diseases and tetanus, are given during and after pregnancy in order to protect the foetus and the newborn infant, all such inoculations being compulsory in order to safeguard public health;

d) Women patients are informed about the side effects of any therapeutic medicines prescribed by the doctor treating them;

e) Women patients are informed about the adverse effects of any proposed surgical operation before their consent to the operation is sought;

f) The consent of a pregnant women must be obtained before proceeding with any Caesarean operation scheduled during childbirth.

It is worth noting that care for mothers and children is part of the Kuwait's primary heath care strategy, the aim of which is to ensure that women receive antenatal, peri-natal and post-natal health care, including, inter alia:

- Care, guidance and follow-up from beginning to end of pregnancy, including all necessary tests;
- Antenatal and post-natal care and transfer for any special care required to gynaecological and obstetric wards in specialist hospitals;
- Preventive, therapeutic and advisory services for children from the time of birth;
- Inoculation against contagious diseases and physical, mental and psychological development checks for children.

As a result of this strategy, the female death rate in Kuwait for 1998 was 958 per 12,590 live births. This achievement is due to the outstanding services provided by the State through the specialist maternity hospital established in 1968 and the three gynaecological and obstetric wards in the governorate hospitals. Maternity services are also offered in 25 health centres, which are staffed by 60 doctors, both male and female. These centres work in cooperation and coordination with the gynaecological and obstetrics wards in the hospitals.

As for children's clinics, Kuwait's health centres, of which there were 73 in 1999, provide child health services through special clinics or clinics run by general practitioners or family doctors.

The health centres also have specialist gynaecology and obstetrics clinics which are supervised by gynaecologists from the maternity hospital. In this regard, it should be said that 99 per cent of deliveries in Kuwait are carried out under medical supervision in government and private hospitals. There are some home births, but these nevertheless take place under medical supervision and cases are transferred to hospital where necessary.

In 1999, these clinics received a total of 373,865 visits from women. As for the children's clinics offering child health services, they received a total of 3,209,919 visits from children in the 0-10 age group, including 2,205,215 Kuwaitis, representing 69 per cent of the total, and 1,004,704 non-Kuwaitis, representing 31 per cent of the total.

In the belief that investment in human beings is one of the cornerstones of comprehensive health development, the State established the Kuwait Institute for Specialist Medicine in 1994, which started a programme leading to a diploma in gynaecology and obstetrics in order to provide support to the maternal and child programmes in the primary health care centres. The aim of the programme is to teach doctors the skills, experience and up-to-date information needed to care for women during pregnancy and supervise deliveries in the maternal and child centres.

In addition to the above services provided by the medical agencies, countless other services are offered to citizens and residents, including:

- Treatment for diabetes;
- Dentistry;
- The school health programme;
- Laboratory testing and X-rays.

As for the cost of health care, it should be mentioned that the costs of the Ministry of Health amounted to KD 277,149 in 1999.

The following table shows the number of hospitals, beds and medical personnel working in the government sector (1996-1998):

	1996	*1997*	*1998*
Number of hospitals and sanatoriums	15	15	15
Number of health centres and units	70	70	70
Number of beds in government hospitals	4.425	4.449	4.401
Number of inhabitants per bed	473	496	516
Number of practising doctors	2.938	3.041	3.117
Number of dentists	437	407	425
Number of inhabitants per doctor	620	646	641

Abortion

The law protects the right to life and punishes any person who violates that right. Under the Kuwaiti Penal Code, abortion is consequently a punishable crime under the terms of article 159 of the Kuwaiti Penal Code, which stipulates that: "Any women who deliberately kills her newborn child in order to avoid dishonour is liable to a penalty of up to five years' imprisonment and/or a fine of up to 5,000 rupees."

Article 174 stipulates that: "Anyone who supplies, or is instrumental in supplying, a pregnant or non-pregnant woman with drugs or other harmful substances, with or without her consent, or who uses force or any other means in order to induce an abortion shall be liable to a penalty of up to 10 years' imprisonment, to which may be added a fine of up to 1,000 dinars. If the offender is a medical practitioner, a pharmacist, a midwife or a person working in the auxiliary medical or pharmaceutical professions, the penalty shall be a term of up to 15 years' imprisonment, to which may be added a fine of up to 2,000 dinars."

Article 176 stipulates that: "Any woman who successfully induces an abortion by absorbing drugs or other harmful substances, using force or any other means or permitting another person to bring about the abortion in the above-mentioned manner shall be liable to a penalty of up to five years' imprisonment and/or a fine of up to 5,000 rupees."

The Code also imposes a penalty of up to three years' imprisonment and/or a fine of up to 3,000 rupees on anyone who knowingly prepares, sells, offers for sale or in any way makes available substances used to induce an abortion.

Article 175 of the Code, however, makes an exception for any person with the necessary experience who induces an abortion in the sincere belief that it is essential in order to preserve the life of the pregnant woman.

Female circumcision

In regard to General Recommendation 14 (Ninth Session, 1990) concerning female circumcision, it is worth pointing out that such traditional practices harmful to the health of women are unknown in Kuwait. One of the reasons for the absence of such practices in Kuwait is that the medical professions are regulated by highly advanced laws and legislative enactments, which have carefully laid down the rules regulating those professions so that no scope remains for such practices to occur.

Moreover, through its health authorities, the Government provides free health care and services for women and children (as already stated) and is also concerned to raise health awareness through the health centres located throughout the country. These centres spare no effort to spread such awareness among citizens and residents alike, direct them to safe health clinics and cause them realize that flawed traditional practices of all types must be shunned. In so doing, they use all ways and means, in particular the print and audio-visual media.

This is in addition to the efforts of the Ministry of Health in this regard. Associations of public benefit and women's associations in particular also play a prominent role in this field and devote a part of their activities to raising health awareness and disseminating health information by means of health programmes and seminars designed for that purpose. These bodies include the General Secretariat of Religious Endowments, which set up the Endowment Fund for Health Development with a view to strengthening the potential of health and environmental institutions and triggering the role of the grass roots and the private sector in turning the slogan of health for all into a reality. The achievements of this Fund include its contribution towards the supply of medical equipment for some of Kuwait's health centres and hospitals. The Fund also contributes to the fields of environment and care of the disabled and special categories, having purchased special equipment for the disabled in order to fill the shortages in that area, in addition to which it supports the special classes project for disadvantaged children.

Kuwait moreover promptly acceded to the Convention on the Rights of the Child, the provisions of which prohibit such acts and practices. This Convention became a national law which is therefore applicable following its ratification.

As for General Recommendation 15 (Ninth session, 1990) concerning avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS), Kuwait, on the basis of its belief that health education has an effective role to play in the fight against AIDS, has devoted the attention of its various health institutions to countering this serious disease and averting the risks which it poses to society. To that end, it uses various means of providing health education in order to alert all segments of society to those risks and to the methods by which AIDS is contracted, to urge their help in preventing its spread and to provide information on AIDS protection methods, which it does across the media by holding seminars on health, publishing leaflets, posters and other printed materials and staging targeted exhibitions. Those means are as follows:

a) The Health Education Division, which raises health awareness through programmes designed to educate the different sectors of society, using a variety of health education methods, including:

- The field method, in which the health instructor has direct contact with patients and targeted programmes on all health matters, including AIDS awareness-raising, are screened on televisions located in the consultants' waiting rooms at health centres;

- The media, particularly those which influence the public, such as the radio and television, both of which transmit educational programmes to all sectors of society and also use other methods to raise health awareness;

- The publication of leaflets and printed materials which seek to improve citizens' awareness of health;

b) The School Health Division, which has the task of raising awareness among students of both sexes and their guardians;

c) Health centres and hospitals, which make efforts to educate consultants, patients and those who accompany patients to their consultations for treatment in such centres;

d) The Family Planning Division, the main task of which is to raise awareness among couples who are approaching marriage and determine whether the marriage entails any risks or raises the possibility of any hereditary disease which might be present in the family of either spouse. This task is carried out with the couple's cooperation in order to safeguard the woman's health and check on her condition during pregnancy and confinement. The Division also raises awareness on the subjects of early marriage and frequent pregnancies;

e) The National AIDS Committee: As one of the first countries to recognize the seriousness of AIDS, Kuwait was concerned to prevent AIDS from spreading into the country and therefore passed Act No. 62 of 1992 concerning protection against AIDS-related illness, which guarantees humane treatment for AIDS patients by safeguarding their rights and obligations, guaranteeing confidential treatment and providing assurance that the infection will not be communicated to any other person.

In its concern to fight this disease, the Ministry of Health formed a permanent national committee to combat AIDS in 1992. Known as the National AIDS Committee, its tasks include the following:

- Development of the general policy for the prevention and treatment of this disease in Kuwait;
- Preparation of the action plans and programmes needed to protect citizens against this disease and research into the methods of treatment for persons living with or affected by AIDS;
- Formulation of a plan to raise the health awareness of all sectors of society, particularly young people, in regard to methods of protection and treatment, taking into account social and cultural values and patterns, together with social customs;
- Creation of rules and regulations on information exchange in order to gain access to scientific data on HIV/AIDS and protection methods;
- Formulation of principles for dealing with other countries and of procedures to be followed in deporting incomers;
- Regular assessment of the spread of the disease at the international and domestic levels and of anti-AIDS measures adopted at both levels.

The Committee has devised six programmes to fight and protect against this disease, as follows:

- The first programme is concerned with blood safety and is designed to ensure that the transfusion of blood or blood by-products is not a means of infection;
- The second programme is concerned with AIDS testing in order to limit any potential site of epidemic. It specifies the testing locations as the central blood bank, the virus laboratory at the Department of Public Health and the laboratory of the Faculty of Medicine at Kuwait University. It also specifies the groups and samples which must be tested. These include blood donors, patients who have repeated blood transfusions, candidates for jobs in government departments, imported blood components and high-risk groups such as patients with sexually transmitted disease, prison inmates and persons accused of indecent offences;
- The third programme deals with HIV positive cases;
- The fourth programme is concerned with health awareness-raising and has devised ongoing programmes to raise awareness in schools and ensure that school curricula include information on AIDS and anti-AIDS measures. The programme to raise health awareness in secondary schools is implemented throughout the year. Programmes have also been devised to raise awareness among young people at university and in youth clubs, adult education centres and literacy centres, as well as provide medical information and instructional media for members of the medical professions;
- A training programme for medical professionals which includes preparation and training for those working in laboratories and blood banks, as well as training for doctors, nursing staff, social workers and psychologists, which is carried out in conjunction with the World Health Organization (WHO).

It is worth mentioning that officials at the Ministry of Health constantly monitor the global and regional epidemiology of the disease in close cooperation with WHO and other international organizations involved in the fight against AIDS.

Kuwait has been a forerunner in regard to international conferences on AIDS, having convened five such conferences, which were attended by large numbers of scientists and experts in the field of AIDS research.

The Ministry of Health also commemorates World AIDS Day, which falls on 1 December, with intensive information activities, competitions and AIDS lectures in schools.

This is in addition to the efforts made by the competent public health authorities in Kuwait. In the wish to provide further health care, the State has concluded health agreements with a number of other countries with the aim of promoting cooperation in the fields of public health, the medical sciences, prevention, treatment and the fight against epidemics.

In view of the services provided by the State in this area, Kuwait was recognized by WHO as a country benefiting from an outstanding health service. Furthermore, in recognition of Kuwait's pioneering role in the fight against AIDS, WHO selected Kuwait as a regional authority for AIDS testing.

As for drug addiction, the State has promulgated the Narcotics Act No. 74 of 1983 and the Psychotropic Substances Act No. 18 of 1984. A national committee tasked with addressing this phenomenon was also established. Figures indicate that, in 2000, a total of 2,896 patients visited the out-patient clinics in the Drug Addiction Unit at the psychiatric hospital. In this connection, it is perhaps worth mentioning the role played by associations of public benefit and the General Secretariat of Religious Endowments, which endeavoured to contribute to the ground-breaking national project to establish a treatment and rehabilitation centre for convicted drug offenders. A total budget of KD 850,000, of which KD 40,000 alone came from the General Secretariat for Religious Endowments, was allocated to this project, which aims to treat and rehabilitate convicted drug offenders so that they can return to society and pursue a normal life without readdiction.

Article 13

Under the terms of this article, State Parties are required to take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a) The right to family benefits;

b) The right to bank loans, mortgages and other forms of financial credit;

c) The right to participate in recreational activities, sports and all aspects of cultural life.

In regard to the standpoint taken towards these rights in Kuwaiti legislation, the Kuwaiti laws and the Kuwaiti Constitution in particular guarantee the equality of men and women in the economic, social and cultural fields.

Article 11 of the Constitution contains a provision stipulating that the State guarantees social aid to all citizens alike.

Article 16 stipulates that: "Ownership, capital and work are fundamental constituents of the social structure of the State and the national wealth and are all fundamental rights having a social function that is regulated by law."

Article 23 stipulates that: " The State shall promote cooperation and saving and shall supervise the organization of credit."

Article 29 also affirms that all persons are equal before the law in regard to their public rights and obligations, without distinction on grounds of sex, origin, language or religion.

Under the terms of the Civil Code, men and women are equal in regard to their legal capacity and personal rights, as well as in regard to the obligations contained in the Code. Article 4, for instance, stipulates that the stipulations relating to legal capacity apply to all persons covered under its provisions.

Article 84 also stipulates that all persons are legally competent to conclude contracts unless the law provides that they are legally incompetent or lacking in legal capacity.

Legislative Decree No. 68 of 1980 promulgating the Commercial Code also stipulates that its provisions apply to all commercial activities undertaken by any person.

Pursuant to article 13, the description of trader applies to any person who is engaged on his own behalf in commercial transactions, has the necessary competence and engages in such transactions as a trade.

Article 28 stipulates that any Kuwaiti (and the word "Kuwaiti" here includes women and men) having attained the age of 21 years and in respect of whom no legal impediment has been established in regard to his person or the type of commercial transaction which he carries out shall be competent to engage in trade.

Article 21 stipulates that the competence of any woman to engage in trade shall be regulated by the law of the State of which she is a national.

Article 624 prohibits either spouse, in the event of the other's bankruptcy, from claiming gifts which he or she made to the other during marriage. Nor may the group of creditors claim from either spouse any gifts made by the other during marriage.

Under the terms of article 625, either spouse, irrespective of the financial regime adopted in the marriage, may reclaim from the bankruptcy of the other his or her movable and landed assets if his or her ownership thereof is established.

It is evident from the above that the provisions of the Civil and Commercial Codes apply equally to both men and women.

It is worth mentioning that women in Kuwait enjoy legal capacity when they reach the age of legal majority and that their financial liabilities are separate from those of their husband. They also enjoy full legal personality in the exercise of all rights, such as the right of ownership and the right to dispose of assets, undertake civil and commercial transactions, conclude contracts and engage in borrowing and other commercial and financial transactions, without first being required to obtain the consent of their husband or father in order to exercise such rights.

As for the right to family benefits, the State provides health and social care for women, be they mothers, wives or sisters, at all governmental and non-governmental levels. The right to social security guaranteed to women under the Social Insurance Act and the health care enjoyed by women in Kuwait has already been mentioned elsewhere in this Act.

Moreover, in keeping with the firmly established principles on which Kuwaiti society is based, in particular the principle of social solidarity, the State promulgated the Public Assistance Act No. 22 of 1987, under which the State undertook to protect every Kuwaiti from misfortune. This Act sets forth the rules and regulations governing the granting of public assistance (as specified by decree) to Kuwaiti families and individuals.

One of the humane aspects of this Act is that it also applies to the children of non-Kuwaitis who are supported by their widowed Kuwaiti mother and live with her in Kuwait. In making this exception, the intention of the legislature was to protect any family deprived of its provider and help Kuwaiti mothers in such a position to bring up their children.

As for the children of a Kuwaiti woman who is divorced from the non-Kuwaiti father of her children, the rule is that the law does not apply to them, as the burden of supporting them lies with the father. In some cases, however, such women were in receipt of assistance before the Act came into effect and the view therefore was that they should continue to receive assistance on humanitarian grounds, as affirmed in article 3, which stipulates that any Kuwaiti divorced woman who was receiving assistance for her non-Kuwaiti children before the Act entered into force shall continue to receive such assistance.

The said Act also covers the main risks to which Kuwaiti families are exposed, such as:

a) Loss of the family provider, as in the case of widows and orphans (arts. 2 and 18);

b) Sickness or certified incapacity of the family provider (art. 3), to which a provision was added pursuant to Act No. 54 of 1979 amending certain provisions of the Public Assistance Act in order to protect Kuwaiti wives of non-Kuwaitis, together with their children, if the husband is medically certified to be incapable of performing any work. Prior to this amendment, the situation was that assistance was payable in such cases in exception to the rule that the Act applied solely to Kuwaiti families and individuals;

c) Financial inability of the family provider to meet his personal expenses, as in the case of insolvent persons and persons serving a prison sentence;

d) Other special cases, such as families stricken by public or personal disaster (art. 19).

Given the desire on the part of the legislature to extend the range of beneficiaries from the assistance payable by the State, Act No. 16 of 1981 amending certain provisions of the Public Assistance Act permits the allocation of additional benefits, such as a marriage grant, housing allowances and any other allowances or forms of assistance designed to enable Kuwaiti families and individuals to shoulder the burdens of living or to achieve social aims.

One of the reasons prompting the addition of such a provision was the view of the legislature that assistance should not be thought of as being confined to invalids, disadvantaged individuals without a provider and persons struck by mishap or disaster. On the contrary, its view is that assistance should be extended to include other citizens who, although employed or self-employed, may be under difficult circumstances or have unforeseen needs which they can meet only with great effort and hardship, in which case the State provides them with the assistance specified in such instances.

Cabinet Ordinance No 8 of 1982 also prescribes the payment of assistance to certain families and individuals to whom the Public Assistance Act does not apply for a period of one year, which may be extended, or until their crisis has passed, in the following cases:

- Families broken as a result of the husband's drug addiction or alcoholism, to whom assistance is payable whether the husband is Kuwaiti or non-Kuwaiti;
- Kuwaiti wives whose husbands have long deserted them and whose whereabouts are unknown;
- Kuwaiti wives who have been awarded maintenance for themselves and their children without having been granted a divorce;
- Children of a Kuwaiti woman from a different husband who have no income because they have lost their father or because he neglects them owing to his drug addiction or alcoholism.

The categories entitled to assistance are specified by the ordinance concerning the entitlement to and the assessment and allocation of public assistance, promulgated on 4 March 1978, the terms of which include widows, divorced women, unmarried girls, orphans, the aged, disabled persons, the sick, the financially incapacitated, students and the families of prisoners. The fixed basic assistance for those who are so entitled is as follows:

- KD 60 for the head of a household and individuals who have no family;
- KD 40 for a wife;
- KD 35 for a university student;
- KD 30 for a student at secondary school or a non-university institute;
- KD 25 for an intermediate student;
- KD 20 for a primary school student;
- KD 15 for a person who is not studying.

The above assistance is payable for a maximum number of 15 individuals per family and is disbursed by social units located throughout Kuwait for the convenience of these categories.

In addition to the above, as part of its concern and ongoing efforts to raise the individual living standard, the State promulgated Act No. 1 of 1990 awarding increases in social benefits and public assistance, which provides for an increase of 25 per cent in the social benefits of single and married persons subject to the Civil Service Act.

The same Act also provides for an increase of KD 30 per month in the retirement pe sions payable in accordance with the rules and regulations determined by the governing board of the General Organization for Social Insurance.

The legislature made special provision for an increase in public assistance, in accordance with which every person entitled to such assistance received an increase of KD 30.

Care was taken to ensure that the provisions relating to increases are general so that they can be applied to citizens, retirement pension holders and beneficiaries of public assistance in a range of situations. Each of these categories is subject to varying rules.

Legislative Decree No. 14/1992 awarding an increase in social benefits, retirement pensions and public assistance was also promulgated. Under its terms, anyone already benefiting from assistance at the time when it entered into effect was awarded an increase of 50 per cent in the amount of monthly assistance received. Increases of varying rates were similarly awarded to retirement pension holders and the amount of social benefit payable to citizens was also increased.

From the above laws relating to the public assistance granted by the State through the Ministry of Social Affairs and Labour, which is the authority entrusted by the State to disburse such assistance, it is evident that women, both married and unmarried, are among the first to benefit from public assistance, thus indicating the concern of the law to guarantee a living standard for women and the members of their families.

Despite the aid and assistance granted by the State to certain categories, there remain other social categories with economic problems which affect family calm and stability, particularly if the woman is the provider in cases where there is no head of household or if she has special needs. The Ministry of Social Affairs and Labour, in conjunction with the Endowment Fund for Scientific and Social Development, consequently had the idea of the "Fruits of My Labour" project as a way of underlining the importance of work in the life of the individual. This project targets the categories receiving financial assistance from the Ministry of Social Affairs and Labour, the aim being to boost their income on the one hand and to take them from the realm of public assistance to that of productive activity, particularly since 80 per cent of such categories hold certificates of intermediate and secondary education and are in the 25-40 age group. This project runs courses, free of charge, with the aim of:

- Raising the economic standard of disadvantaged families who are in receipt of assistance;
- Developing the handicraft skills of Kuwait women;
- Using local produce and satisfying the market requirement;
- Opening up new avenues for handicraft work and eliminating the idea that such work is inferior.

The project management has run several training courses in a number of different fields in order to gain a sense of the actual needs and overriding desires of the target segment, as well as ensure, on the one hand, that such courses serve as an opportunity to build bridges of cooperation and coordination with the bodies

involved in work with families and, on the other, acquire more experience of organizing training courses. In this connection, the main courses held in 2001 were as follows:

- A dressmaking course (29 attendees);
- A cookery course (29 attendees);
- A jewellery-making course (25 attendees);
- A computer course (24 attendees);
- Other courses (53 attendees).

As part of the State's efforts to overcome poverty and increase the scope of women by boosting their income, and in keeping with the overall direction of the State's economic policy, the National Investment Fund was established with the aim of developing the national economy through the adoption of long-term economic programmes to support small projects. The idea of establishing the National Investment Fund is based on the objective of supporting small-size activities and individual initiatives which are economically feasible, as well as any other innovative projects which can help to develop the local market and achieve economic diversity. On 5 March 1997, the incorporation of the Kuwait Small Projects Development Company (KSPDC) was announced. Its aims are, inter alia, to promote individual business initiatives, support and finance the technical skills of citizens (both men and women) and encourage self-employment and small project management.

The national institutions which play a conspicuous role in the field of human understanding and social solidarity include Bayt al-Zakat (Zakat House), an independent government body which is active at the domestic and international levels. In July and August 2000, for example, it spent KD 84,543 to the benefit of 15 families totalling 318 individuals. This assistance was divided by type into monthly assistance amounting to KD 4,200 and lump-sum assistance amounting to KD 7,343. During the period from 1 July to 31 August 2000, a total of 21,468 disadvantaged families in Kuwait received assistance from Bayt al-Zakat, which also assists a total of 7,465 widows and divorced women, provides for 199 orphans and offers a helping hand to 892 invalids in Kuwait. In total, it provided assistance amounting to KD 996,381, from which 5,088 families benefited.

In addition to the above, it is worth mentioning the Social Welfare Division at the Ministry of Social Affairs and Labour, which caters to various special categories who benefit from its services, programmes and activities, namely the aged, disabled persons, children of unknown parentage, juvenile delinquents and juveniles at risk of becoming delinquents. The statistics below highlight the importance of the sector and the significant role which it plays:

Total number of beneficiaries of services provided by the Division during October 2000

Departments and centres attached to the Divisions	*Category of beneficiaries*	*Current number*	*Sex*
Department for the Welfare of the Disabled	*Disabled persons of all categories and full accommodation for some adult cases*	858	*Male and female*
Department of Juvenile Welfare	*Juveniles and delinquents/detainees/juveniles at risk of delinquency/convicted juveniles*	366	*Male and female*
Department for Family Fostering	*Children of unknown parentage and children from broken homes*	666	*Male and female*
Vocational Rehabilitation Centre	*Disabled persons suitable for vocational training*	208	*Male and female*
Centre of Mobile Home Care for the Aged	*Aged persons at home*	1.115	*Male and female*
Early Intervention Centre for Disabled Children	*Disabled children from one day to over five years of age at home*	214	*Male and female*
Total		**3.427**	

Statistical data for October 2000 on beneficiaries registered with the Centre of Mobile Home Care for the Aged

Activity of the Research Office (in figures)

Item	*Males*	*Females*	*Total*
Actual number of cases	385	695	1.080
Number of new cases	12	23	35
Total	**397**	**718**	**1.115**

Activity of the Research Office (in figures)

Cases presented		*Cases researched*		*Cases discontinued*		*Cases of death*	
Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
2	23	12	23	-	2	7	2

Deaths

	Capital A		*Capital B*		*Hawli*		*Farwaniyya*		*Jahra*		*Ahmadi*	
	Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Number	1	1	-	1	1	3	-	2	-	-	-	-
Total	**2**		**1**		**4**		**2**		-		-	

Beneficiaries of services provided by welfare homes attached to the Department for the Welfare of the Disabled during October 2001

Name of home	*Permanent residential care*		*Night care*		*Home care*		*After-care*		*Total*
	Males	*Females*	*Males*	*Females*	*Males*	*Females*	*Males*	*Females*	
Care Home for the Aged	23	39	-	-	-	-	-	-	62 males and females
Home for the Social Rehabilitation of Women and Children	20	135	4	2	8	6	-	-	175 males and females
Home for the Social Rehabilitation of Men	136	-	6	-	4	-	7	-	153 males and females
Care Home for Disabled Women and Children	37	153	4	3	21	21	-	-	239 males and females
Care Home Disabled Men	111	-	4	-	9	-	-	-	124 males
Day Care Centre	-	-	63	42	-	-	-	-	105 males and females
Total	**654**		**128**		**69**		**7**		**853 males and females**

Statistical data on the number of child beneficiaries of the services of the Department of Family Fostering and its homes to the end of October 2001

Type of home	*Males*	*Females*	*Total*
Children's home	31	23	54
Girl's home	-	34	34
Guest homes	77	9	86
Family fostering	200	292	492
Total	**308**	**358**	**666**

Statistical data on the number of trainees at the Vocational Rehabilitation Centre during October 2001

Item	*Males*	*Females*	*Total*
Numbers in training	139	79	208
New trainees	-	-	-
Total	**139**	**79**	**208**

Statistical data on the number of juveniles under the care of the Department of Juvenile Welfare and its homes to the end of October 2001

Type of care	*Homes*	*Males*	*Females*	*Total*
Juveniles at risk of delinquency	Reception centres	2	1	3
	Social hospitality	5	2	7
Juvenile detainees	Observation	13	-	13
Juvenile detainees	Social welfare	42	6	48
	Social evaluation	18	-	18
	Court probation office	266	13	279
Total number of juveniles		**341**	**22**	**368**

Statistics on the number of cases under the care of the Early Intervention Centre for Disabled Children to the end of October 2001

Number of admissions

Referring authority	*Number*	*Referral authority*	*Number*
Centre for Congenital Disease	5	Higher Council for the Disabled	-
Developmental Medicine Unit	3	Department of Special Schools	2
Hospital of Natural Medicine	2	Family	6

- A total of 18 cases were admitted during the month of October;
- Work on one case was discontinued during the month of October;
- There were 214 cases in all at the Centre at the end of October.

Number of cases, sex, nationality and disability

Classification		*Mentally retarded*	*Brain disorder*	*Eye*	*Motor disability*	*Learning difficulties*	*Visual impairment*	*Hearing impairment*			*Speech impairment*	*Total*
Sex	Male	7	34	55	6	-	5	-	-	1	8	**116**
	Female	13	16	54	7	1	3	1	1	-	2	**98**
Kuwaiti	Male	6	30	45	5	-	4	-	-	1	6	**97**
	Female	11	11	36	6	1	3	1	-	-	2	**71**
Non-Kuwaiti	Male	1	4	10	1	-	1	-	-	-	2	**19**
	Female	2	5	18	1	-	1	-	1	-	-	**28**

In addition to the efforts which the State is making in this field, various associations of public benefit and women's associations in particular play a role in protecting and caring for women by ensuring them a decent life in society in the belief that the advancement of women is important for the enormous impact which it has on the individuals with a family. Private associations such as these have therefore endeavoured to offer various types of assistance to women by providing financial assistance in monthly, annual or lump-sum payments to a number of

disadvantaged families, as well as the assistance in kind which some impoverished families may need.

In regard to the right to participate in recreational activities, sports and all aspects of cultural life, such activities are freely accessible to women in Kuwait. Physical sports in Kuwait are part of the general education curricula of the Ministry of Education. All male and female students have the opportunity to practise all forms of sports activities in schools. The Ministry endeavours to provide all sports equipment and has also built swimming pools in some schools. In other words, students are able to pursue sport as an educational requirement and not merely as a leisure activity.

The Ministry of Education also opens its swimming pools during the summer holidays for those female students who wish to practise swimming as a leisure activity.

The Ministry endeavours to stage sports competitions and races among female school students and awards prizes to the winners in order to encourage them to pursue their interest in this field.

Art education is also treated as a programme of study in all stages of public education and art exhibitions are held at which the drawings and art work of female students are placed on display.

Kuwait University and the institutes attached to the General Organization for Applied Education and Training have also devoted attention to this aspect, having set aside special locations where their female members can practise different types of sports and art activities.

The colleges run by the General Organization for Applied Education and Training include the College of Basic Education, which offers technology training programmes, as well as physical education and sports programmes.

These programmes aim to produce personnel who can teach physical education and technology in the different stages of education.

In addition to the above, the State established a young women's club, run by the General Organization for Youth and Sports, which is open for membership to women of different ages. At this club, women and girls pursue all forms of sports activities under the supervision of specialist female instructors. The club also participates in competitions at all levels.

It should be said that Kuwaiti women have achieved a number of scientific, cultural and sporting successes as a result of the educational, cultural, sporting, health and recreational facilities provided by the State, owing to which they have been able to excel in various fields at the local, regional and international levels.

Represented by women's associations and other societies, the private sector is extremely active in this area, as such associations lend effective support to women's recreational, sporting and cultural activities, which are a focus of their concern and a key aspect of their work.

Article 14

Under this article, States Parties are requested to take all appropriate measures to ensure the application of the provisions of the Convention to women in rural areas and to eliminate discrimination against women in those areas.

Kuwait is not divided into rural and non-rural areas like those found in other countries, as it has only a small overall surface area of 17,818 square kilometres with a population which, in 1998, amounted to 2,270,865 inhabitants dispersed throughout five governorates (divided along administrative lines). Each governorate has a number of residential areas. Through its various agencies, the State endeavours to provide all governorates with services in a variety of fields, including education, health, recreation, culture and sports.

Article 15

In this regard, Kuwait would like to stress that, under the Kuwaiti Constitution, equality is regarded as one of the pillars on which Kuwaiti society is based, as stated in various parts of the Constitution. It is a principle mentioned in the Preamble, for example, as well as in article 7 and article 29, which covers different aspects of the principle by providing for equality in regard to human dignity, rights and obligations.

There are various aspects to the principle of equality, including:

a) Equality before the law

The above-mentioned article 29 of the Constitution is a general provision, the significance of which is that all citizens are equal before the law and equal in regard to rights and obligations. This article stipulates that all persons are equal in regard to human dignity and equal before the law in regard to public rights and obligations, without distinction on ground of sex, origin, language or religion.

Article 7 before it stipulates that justice, freedom and equality are the pillars of society and that its citizens are bound together by the strongest ties of mutual help and understanding.

Article 47 also embodies another aspect of equality, namely the performance of military service, which, under the terms of the article, is a sacred duty in regard to the fulfilment of which citizens are equal by virtue of their equality in regard to human dignity.

The right of equality before the courts is also guaranteed pursuant to article 166 of the Constitution, which stipulates that the right of legal recourse is guaranteed to all persons and that the law shall prescribe the procedures and circumstances necessary for the exercise of that right.

Kuwaiti laws are also in conformity with these principles. The Penal Code No. 16 of 1960 emphasizes the principle of equality in the application of its provisions, since article 11 stipulates that its provisions shall apply to any person who perpetrates in the territory of Kuwait any of the offences provided for in the Code.

The principle of equality also applies in regard to public office, employment, free choice of work and the right to health care, public health and the other rights provided for under the Kuwaiti Constitution. The legislative enactments which regulate such rights have already been discussed elsewhere in this report.

Under article 31 of the Constitution, it is forbidden to arrest, detain or search any person or compel him to reside at a given location or restrict his freedom of residence or movement, except as prescribed by law.

It is worth mentioning that Kuwait imposes no restrictions on the right of movement or the choice of residence other than those stipulated in the Kuwaiti laws and regarded as necessary on numerous grounds. Like other rights and freedoms, the right of movement can sometimes be regulated, limited and restricted for different reasons, such as the protection of national security, public order, public health, morality or the rights and freedoms of others, as laid down in article 31 of the Constitution insofar as it permits no restrictions on the freedom of movement other than as prescribed by law.

As for the rights mentioned in paragraph 2 of this article of the Convention, which include that in connection with according to women a legal capacity identical to that of men, the provisions of the Civil Code, some of which have already been mentioned, are in keeping with such principles and state that the personality of the human being begins at birth and ends on death (article 9).

Article 84 stipulates that every person has the legal capacity to conclude contracts, unless the law prescribes that he has no such capacity or is lacking in it.

Article 96 states that any person having attained the age of majority is fully competent to carry out legal transactions. According to the Code, the age of majority is 21 and any person having attained that age continues to have full legal capacity unless an impediment thereto should arise.

Under the Code, legal capacity is wanting in the case of any person who is feeble-minded, demented, imprudent or under the age of 17, while any person who is insane has no legal capacity.

Article 107 also stipulates that if a person has a physical disability so severe that it is difficult for him to become acquainted with the terms of a contract or, in particular, if he is unable to express his wishes owing to the fact that he is deaf and dumb, blind and deaf or blind and dumb, the court may appoint an assistant to help with his legal transactions.

All the provisions of the Civil Code are general, unbiased and without distinction or discrimination between men and women. Nor do they restrict the legal capacity of women on grounds of marriage or ties of kinship. Accordingly, if a woman attains the legal age of majority, she is able to exercise all the rights and carry out all the legal transactions for which provision is made in the Civil Code and the other laws in force.

She is also able to administer her property and possessions, as well as her personal affairs, without the imposition of any restriction, limitation or impediment in regard to her capacity.

As for the equal treatment of women and men during all stages of any legal procedure, the right of women to take cases to court and pursue legal procedures and the handling of cases involving a couple's personal status, women in Kuwait possess all the legally prescribed rights in such matters, whether they are a plaintiff, a defendant or a witness.

Legal procedures in Kuwaiti courts of every level are regulated by the Code of Civil and Commercial Procedure No. 38 of 1980 and the Code of Criminal Procedure and Trial No. 17 of 1960.

Furthermore, the provisions of both Codes apply to all litigants, without distinction between men and women.

The Court of Personal Status is the authority competent to settle marital disputes, to which the Personal Status Act No. 51 of 1984 applies. This Act regulates all matters relating to personal status, including marriage, divorce, maintenance, custody, inheritance and legacies.

Article 16

This article urges States Parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular to ensure, on a basis of equality of men and women, the right to enter into marriage and the right freely to choose a spouse, as well as various other rights.

In this respect, it is worth mentioning that Kuwait has devoted particular attention to women, as is evident from the care and consideration accorded to women in many of the relevant legislative enactments and laws, which endeavour to guarantee their security and stability. Foremost among these laws is the Kuwaiti Constitution, which provides the legal framework for the social legislation, since it contains a number of provisions determining the principles and fundamental constituents on which Kuwaiti society is based, the aim being to safeguard the human being and human rights and freedoms. The Constitution also specifies the responsibilities of the State towards families and children in the following articles:

- Article 8: The State shall safeguard the pillars of society and shall guarantee security and equal opportunities for its citizens;
- Article 9: The family, being based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework;
- Article 10: The State shall cater for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect.

The State also guarantees to provide protection, care and decent lifestyles for families, including:

a) Access to suitable housing guaranteeing security and stability for families, to which end the General Organization for Housing was established pursuant to Act No. 15 of 1974 for the purpose of gearing housing developments to the State's overall plans. The Organization endeavours to build and supply housing units for citizens, together with the general facilities and services needed for such housing. It also allocates housing allotments and government housing to those entitled to them and also conveys ownership or leases them to those who fulfil the necessary conditions;

b) Universal access to free education, a policy which stems from the State's belief in the importance of education in assisting families and furthering their advancement;

c) Access to free health care, a policy which stems from the State's belief that protection from disease and a healthy upbringing guarantee the construction of a strong and equal society;

d) The provision of social aid and assistance for citizens as a way of supporting individuals and families and safeguarding families and their future against any unforeseen circumstances to which they maybe subjected or which may affect their integrity.

As already mentioned, marriage-related matters in Kuwait are regulated by the Personal Status Act, which accords to women the right to choose a spouse and to enter into marriage only if they consent to do so.

Article 2 stipulates that marriage is entered into with the consent of the wife's guardian and the wife or the person acting on behalf of either. The Act specifies the age of marriage as 15 for females and 17 for males.

The Act also stipulates that, in order to be eligible for marriage, the spouses must be rational, mature and compatible, as well as proportionate in age, a right which applies only to the wife.

The official registration and certification of a marriage is prohibited if the girl is under 15 years of age and the young man is under 17 years of age at the time of registration.

Under the Personal Status Act, a number of rights and responsibilities are accorded to women. Accordingly, following the conclusion of a marriage contract, women have the right to a dower and accommodation, as well as the right to receive maintenance from her husband in accordance with his status. She may claim maintenance in the event of the husband's failure to maintain her.

Women in Kuwait have full freedom to choose their spouse and marriage does not affect the wife's legal capacity or her financial assets, which remain separate from those of her husband. Women have full freedom in administering their assets and possessions, in concluding contracts and loans and in carrying out other legal and financial transactions.

As for the right of women to divorce and annulment of marriage, women are accorded the right to seek a separation on grounds of injury or absence under article 136 of the Act, which stipulates that if a husband absents himself for a year or more without legitimate excuse, his wife may seek a divorce if she is injured by his absence, even if she was able support herself from his assets. Similarly, if the husband is sentenced to a term of imprisonment, his wife may seek a divorce after one year of his imprisonment has been served, as affirmed in article 137 of the Act, which stipulates that if a final custodial sentence is enforced against the husband and he is consequently imprisoned for a term of three years or more, the wife may seek a divorce after one year of his imprisonment has been served.

From the above provisions, it is clear that a woman has recourse to the courts in order to seek a divorce from her husband if it is impossible for the two to cohabit. She also has the right to seek a divorce if her husband fails to maintain her, has no apparent assets and has not been proved insolvent, in which case the judge shall grant the husband a period of time in which to pay maintenance and if he fails to do so, his wife may then seek a divorce.

A woman's right to custody of her children is regulated under chapter 6, section 1, of the Act, articles 189-199 of which determine the rules for custody. Under article 189, the mother is granted custody, followed by her mother. If she is unable to take custody, then the wife's maternal aunt is granted custody, followed by the mother's maternal aunt, the mother's paternal aunt, the mother's grandmother, the father's grandmother, the father's paternal aunt, the father's maternal aunt and lastly a cousin, with the mother's side taking precedence over the father's side.

Here, custody means to bring up, care for and look after a minor, organize his food, clothing and sleep and run all of his affairs in his interest. The Act stipulates that women are the first to have custody and men second, as mothers are the more rightful custodians of a minor, whether they are still married to the father or divorced, and are also more affectionate and more capable of taking on board the difficulties of bringing up children. Custody is entrusted to mothers in the minor's interest, the legislature having taken into account the paramount interests of the child.

Article 197 states that a woman with custody of a child has the right to receive maintenance for the child in her custody, including the rent for the child's accommodation. Article 199 also stipulates that any woman is entitled to receive payment for custody until the minor concerned reaches seven years of age in the case of a boy and nine years old in the case of a girl.

CONCLUSION

The above is a general and comprehensive review of the Kuwaiti legislative enactments pursuant to which women's rights in Kuwait are protected.

In preparing this report, the Kuwaiti authorities have endeavoured to take into account CEDAW's guidelines and recommendations arising from the Convention. They therefore hope that they have dealt with all matters about which the Committee was keen to learn in connection with the implementation of the provisions of the Convention in Kuwait and express their willingness to provide further information at the time of the Committee's consideration of this report in order to supplement the information already provided herein.